



HISTORICAL  
PERSPECTIVE

MIKE  
McCORMICK

# Dias, not Dyas, county's first person hanged

*Crime & Criminals (W.V.)*

For more than a century the "hanging of Henry Dyas" on July 5, 1844, at Strawberry Hill has been flaunted as Vigo County's first conventional execution.

The crime for which the man was sentenced allegedly occurred in a cabin near Brooks Mill on Otter Creek in western Nevins Township. Published accounts – perhaps founded upon memory rather than records – claim "Mrs. Brady" and her daughter maintained a "dive" and dance hall there.

According to local histories, "Dyas" patronized "Brady's resort" regularly, gaining favor with the hostess. One Saturday evening in October 1843, the proprietress had a verbal spat with George Brock, an Illinois cattle drover, over an unpaid whiskey bill.

Brock promptly resolved to return to Illinois, stopping by the Bradys to bid farewell. While conversing with patron Alexander Mars, he was hammered three times in the head and neck by an ax. Witnesses identified "Dyas" as the ax-wielding assailant.

After a trial ended in his conviction, the defendant – seated on his coffin covered by a white shroud – was transported by wagon to the foot of Strawberry Hill (between Third and Sixth streets north of Hulman), a natural amphitheater. "Thousands of spectators"

saw him strangle to death on special gallows erected there.

Though at least two local newspapers existed, the meager copies preserved in state or local archives yield few details. Persistence by David Lewis of the Vigo County Public Library, Vigo County Clerk William L. Mansard and archivist Linda Jeffries have shed fresh light on the historic happenings.

The most significant detail is the exact name of the man who suffered the supreme sacrifice for slaying Brock. Vigo Circuit Court and Indiana Supreme Court records identify the accused as Sam Dias, not "Henry Dyas." His alleged accomplice was Hannah Gilman. The bludgeoning occurred on Monday, Oct. 16, 1843; Brock died the next day.

Though court journals do not resolve all uncertainties, other authentic details are revealed. Dias first appeared before Judge John Law on Nov. 17, 1843. Gilman was indicted by a grand jury assembled by Prosecutor John Palmer Usher but had not been apprehended.

A petit jury was selected the same day. On Monday, Nov. 20 – after two days of evidence – Dias was found guilty. Cepheus S. Holden, the businessman-politician who built a conspicuous mausoleum at Woodlawn Cemetery,

was foreman. The request for a new trial by defense attorneys Samuel Dodge and James Henry was denied by President Judge William P. Bryant.

On Monday, Dec. 26, 1843, Isaac Blackford, Charles Dewey and Jeremiah Sullivan of the Indiana Supreme Court reversed the conviction, citing defective language in the indictment.

Gilman's trial commenced Feb. 7, 1844. She was represented by attorneys Amory Kinney, Salmon Wright and Samuel Gookins. A not guilty verdict was returned two days later. Gooding Holloway served as jury foreman.

The second Dias trial began May 9, 1844. State witnesses included Stephen G. Burnett, John Balding, David W. Mains, Morris Fulkerson, and Bethuel Ryckman. Alexander Mars was not mentioned. The following day, jury foreman Samuel Hull read the second verdict dooming Dias to death.

The order book entry dated May 11, 1844, reports that Judge Law charged Dias "to be hung by the neck till he is dead," between 9 a.m. and 4 p.m. on the "fourteenth day of June next."

The records are mute as to why the execution was delayed until July 5. Requests for stay under those circumstances were standard.

Where Dias was buried remains an enigma.

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VIGO COUNTY PUBLIC LIBRARY  
TERRE HAUTE, INDIANA

Community Affairs File



# Public Hanging At Terre Haute Followed Axe-Man Murder In Coal Bluff Area In Wild Days

*Brazil Daily Times Dec 3, 1961*

*Crime Criminals (TH)*

Dorothy J. Clark, historical writer for the Terre Haute Star-Tribune, recalls the "wild and wooly" days of the coal mining days in the Coal Bluff-Fontanet area, 1843, as follows in part:

The first hanging in Vigo County occurred on July 5, 1844, at the foot of Strawberry Hill (the location now known as the intersection of South Center Street and Seabury Avenue.

A man named Dyas had brutally murdered George Brock, an Illinois drover and cattle buyer, in Nevins Township, Vigo County, in the fall of 1843.

This was the first death penalty ever inflicted in this county, and being public the place of execution was adapted, like a great natural amphitheater for the gruesome show. The crowd that gathered to make a holiday of it was estimated at thousands who came from all the surrounding country — even some considerable distance in Illinois — many coming a distance of 50 miles or more.

It was a memorable day and possibly Dyas never realized that he was of any importance in this world until the day of his exit out of it. The man rode from the jail, on the corner of Third and Ohio Sts., to gallows, seated on his coffin which was placed in an open 2-horse wagon. He was dressed in his white shroud and he headed the great procession to where the execution took place.

William Ray was sheriff and Marvin M. Hickox was his deputy who fixed the rope around the man's neck while the sheriff sprung the trap. In adjusting the rope the knot slipped, and instead of breaking the man's neck, he was strangled to death.

As stated the murder was committed in Nevins Township, and was unprovoked and brutal. The scene of the crime was the cabin of a notorious old woman, Mrs. Brady, and her daughter who was as disreputable as her mother. She lived near the old Brooks' mill on Otter Creek, three-fourths of a mile west of the station formerly known as Milton, on the Indianapolis & St. Louis Railroad, about a mile north of the present station of Grant where the Chicago & Eastern Illinois coal branch crossed the I. & St. L. Railroad.

The place was sparsely settled, and the old woman kept whisky to sell, and here the hard characters met and danced and caroused on many occasions. It was a "low resort," and among those most welcome to the place was Henry Dyas, who had a family, but was at the old woman's cabin frequently and stood well in her and her daughter's favor.

## Quarrel Erupts

One Saturday evening in October, 1843, the woman quarreled with George Brock, who had been stopping at the house, about a whisky bill she had presented. She used violent language, and it was said threatened his life.

The next morning (Sunday) Brock saddled his horse preparatory to leaving for his home, and returned to the house to bid the occupants good-bye. This cost him his life, for while seated before the fire conversing with Alexander Mars, Dyas entered the door, and before Brock was aware of his presence,

Dyas struck him in the back of the head with the blade of an ax he carried in his hand.

Mars who had noticed the murderer enter, but not suspecting his intention, when he saw the fatal blow fled precipitately in great alarm for his own safety. When Brock's body was found, it was discovered that he had been struck three times with the ax, one blow severing the spinal column. Either of the blows would have produced death.

Dyas fled to the woods, and Mrs. Brady gave the alarm and soon people began assembling. As Mars fled from the house, he had been stopped by the old woman, who explained he need have no fear that no harm was intended him, but this did not quiet him, and he concealed himself in a hollow tree. From his hiding place he saw the woman emerge from the house and going to the corner of a rail fence, change the dress which she wore, and which was covered with blood, for a clean one. She then gave the alarm. Dyas concealed himself in the woods, but a guard was placed around his house and during the night he was captured as he attempted to enter.

## Top News For a Year

This crime was a year's excitement to the whole surrounding countryside, and as late as 1900 several old white haired gentlemen would tell that they had witnessed the hanging of Dyas, although they were only small children in their mother's arms at the time. Many people reckoned events from the day that "Dyas was hung."

"Old Alec" Mars lived many years near old Fort Harrison, and except in his cups he was reluctant to tell again the story of the horrible murder, "where upon his testimony a wretch was executed." He was a little dried-up man, one of that kind that would cause the boys to gather around and sometimes jeer at him whenever he was seen on the streets.

Asa Fenton was one of the witnesses in the case. He became insane during the progress of the trial and remained so until his death some years after. The conviction of Dyas occurred in the Vigo Circuit Court June 4, 1884.

Old Mrs. Brady and her daughter were believed to have hired Dyas to do the bloody deed. They left the state soon after, or about the time of the execution, and the rumors came back that she had been mobbed and killed (hanged) in a Southern state.

Community Affairs File

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VIGO COUNTY PUBLIC LIBRARY

TERRE HAUTE, INDIANA

Dias, Samuel (a.k.a. Dyas, Henry)



ight Us

ED  
2!



Winchell  
adway

Marguerite Higgins, we  
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and Hoover don't want to  
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## VIGO COUNTY QUESTIONS

A General View of the Schools; Superintendents of Schools; Years of Service.—By Prof. W. H. Willey. (Continued.)

June 7, 1901. Jacob T. H. Miller, Harvey W. Curray and James P. English.

Dr. English had a "patent" for collecting dues from slow patients. Put medicine cases in the schools for first aid. Stood for election of teachers alphabetically and without salaries in the contracts "to curb the power of the superintendent." Voted against the superintendent once and twice for him.

Free night schools had been in force for some time years ago, by authority of the board, but were discontinued for economic reasons.

June 6, 1902. Harvey W. Curry, James P. English and William C. Engles. Mr. Curry resigned Feb. 27, 1903, and was succeeded by Frank M. Dunkin.

June 3, 1903. James P. English, William C. Engles and Frank M. Dunkin (re-elected). Dunkin elected to fill vacancy, and then for a full term.

June 8, 1904. William C. Engles, Frank M. Dunkin and Oscar G. Derry.

Oscar G. Derry, trustee one term—Urged bond issue for buildings in "bad condition"—"Proud of his building program"—Voted with Thomas J. Kehoe to change course of study and supervision in the schools—Apparently, not unhappy when Adolph Neukom came to the board.

Trustees were elected from 1905 to 1909 inclusive, in June, as heretofore, but were not to organize until August following.

Aug. 1, 1905. Frank M. Dunkin, Oscar G. Derry, and Thomas M. Kehoe. Mr. Dunkin died in office on Nov. 17, 1905, and was succeeded by Adolph Neukom for the balance of the term.

Thomas Kehoe was a hay merchant from Clay City. Twice elected trustee for six years—Raised taxes—Increased school debt—Issued bonds—Built Deming, Rea and Greenwood. Opposed Garfield, Davis Park, and Administration Building with law suits. Changed the school system in course of study and supervision. Brought a candidate for Supt. to town before a vacancy. Helped name the buildings.

Aug. 1, 1908. Oscar G. Derry, Thomas M. Kehoe, and Adolph Neukom, (re-elected.)

Neukom served nearly nine months in a vacancy, and then for a term of three years. Went with Trustee Kehoe for awhile in "reorganizing the system," and then broke with him.

In the midst of it all, he said, "This is the best Board Terre Haute ever had, but the people don't know it."

Aug. 1, 1907. Thomas M. Kehoe, Adolph Neukom, and Willis A. Ethington, who had a stormy three years as Trustees. Secretary, next of

## History of Albert Lange Paralleled That of Early Vigo County

By A. R. Markle.

ALBERT LANGE, whose name is given to one of our city schools, was born in Germany in 1801 and came to Terre Haute while still a young man. He held various public offices here for both the city and Vigo county, but one of his most interesting positions was that of overseer of the poor. This office was associated with that of the township trustee, an elected officer who filled the position ex officio.

To the overseer of the poor came all the small, sometimes very messy, affairs that nobody else wanted. The care of the widows and orphans, the destitute, the insane, and sometimes the criminal themselves were under his scrutiny and care. He served all and sundry, kept the books of his office, as well as performing his other duties with meticulous care.

### Some Minor Accounts.

A gruesome tragedy in the northern part of the county was the murder of George Brock by Samuel Dias and in Albert Lange's accounts are several references to this case. Apprehended and held in the jail for trial, he was convicted and sentenced to be hung, and Lange paid the bill of the sheriff of Vigo county itemized as follows: "To boarding Samuel Dias from June 6 to July 5, 1844, 30 days, \$9.37½. Discharging same, 37½c. Total, \$9.75."

The bill does not show it but the discharge was at the end of a rope on a scaffold built on Strawberry Hill. Hundreds of men, women and children came from miles around to spend the day. Many arrived early and ate meals they had brought with them, and it is possible that the good ladies of one or more of our churches helped fill their treasury with the proceeds of their sales of "vittles."

Some of the bills paid by Lange in his capacity as overseers of the poor are as follows:

To John Burton, 1844, July 5, To hearse and horse and digging grave for Dias and burying him, 11 miles, \$5.00; 1844, July 23, to 1 day horse cart, 2 men of court house, \$1.50; Aug. 3, to mowing courthouse yard of brush, \$1.50; Aug. 10, to cleaning out court house yard, raking up, \$1.50.

I hereby certify the above bill to be correct as to the first item, September 2, 1844, William Ray Sheriff.

"I certify that the three last charges are right charges, little large. September 3, 1844, C. T. Noble.

1844, June 20, to digging grave horse, taking corpse for J. Dean, \$2.25; June 30, to digging grave horse, taking corpse for Patrick Sullivan, \$2.25; July 6, to hauling Mrs. Fletcher's plunder from 8 mile house, \$1.75; Aug. 17, digging grave, horse, to take the corpse of Garrigus Thomas, \$2.25; Aug. 17, to digging grave, horse to take

July 5, to making Samuel Dias' coffin, \$5.00.

I certify that the foregoing bill for a coffin for Samuel Dias is correct. September 2, 1844, William Ray, sheriff; by M. M. Hickcox, deputy.

A final note is sounded in the case of Samuel Dias by a bill of Orrin Dowdy, the trustee of Fayette township: Boarding Susannah Dias and child with medical aid, 21 days at 50c. per day, \$10.50.

The County of Vigo to John Davis: 1845, June 21 to June 23, taking care of and nursing one afflicted with smallpox whereof he died, \$7.00; digging grave in the night, burying and burning all things by which infection might be spread, \$3.00.

I hereby certify this bill to be correct. June 23, 1845, Albert Lange, overseer.

That the overseer had been fully occupied during the same period is shown by the final itemized bill:

The County of Vigo to Albert Lange:

1845, June 21, 22, 23 and July 18, to services rendered in the case of Lemuel Hill who was afflicted with and died of smallpox, \$10.00.

With regard to this charge it is proper for me to state, that every minute of my time from Saturday night, June 21, to Monday morning, June 23, including two whole nights was exclusively occupied and consumed in the discharge of the arduous duties and responsibilities, which devolved on me as overseer of the poor. My anxiety of mind, to scrupulously and minutely adopt such measures as would remove all danger of contagion and to free the minds of our people from the fear thereof, to administer at the same time to the wants of the sick man, to push and accelerate his burial, when dead, and to bury, consume by fire and purify everything, which had been in contact with or in the atmosphere of the sick man, will be but poorly compensated by the above charge of \$10.00.

The following cash expenses were also incurred by me in the same case, to wit:

Matches, 6c; castle soap, 6c; dried beef, 37c; broom, 10c; butter and plate, 25c; bread, 12½c; to John Davis to enable him to absent himself from town, \$1.53; 1 shirt, \$1.00; 2 pair of pantaloons, \$2.50; to Patrick Sullivan, \$1.00. Total, \$7.01.

July 3, overseers services in the case of D Holmes, \$1.00; Aug. 15, overseers services in the case of Eliza, colored girl, \$1.00.—\$19.01.

'It may be seen from the above accounts that the overseer of the poor was of necessity a man of many talents. It was in this capacity that Albert Lange gave, perhaps, his most valuable contribution to the growth of the city and county.'





## Winchell roadway

for Marguerite Higgins, we  
our heads in awe and ad-  
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and Hoover don't want to  
troops in Europe.  
ier do Stalin and Vishin-

well, maybe if we lost the  
oscow would be as nice to  
re are being to Franco.

Stiles describes the U.N.  
rt of big family of nations  
Russia the mother-in-law.

ude Elliott, a British act-  
led Christmas Eve at 76  
as the widow of another  
eat Sir Johnston Forbes-  
on, called "the greatest  
since David Garrick." an  
your husband agree?" an  
she asked her.

she revealed, "He believed  
as the greatest Hamlet  
s-Robertson!"

heard between two gals:  
Just come from the  
you enjoy it?"  
to change my seat 3 times."  
ated?"  
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1911 and stood for election of  
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board over Kehoe the last five  
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law suits to build Garfield and  
Davis Park Schools, and the Ad-  
ministration Building.

Aug. 1, 1908. Thomas M. Kehoe  
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Willis A. Ethington.

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Oscar Dix. The latter was a gradu-  
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Wiley, High School; lawyer with  
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22, to 2-horse wagon and driver to  
remove Elizabeth Dodd to Baln-  
bridge in Putnam county, 3 days  
at \$2.50, \$7.50.

I hereby certify the above bill to  
be correct, September 2, 1844  
Albert Lange, overseer.

### Terre Haute, 1844:

June 20, to making one coffin  
for John Dean, \$5.00; June 29, to  
one coffin for Patrick Sullivan  
\$5.00; July 9, to making coffin for  
James Twilley, \$5.00; Aug. 17, to  
making coffin for child, E. Dean  
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The above bill is correct, Sep-  
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The County of Vigo to Z. Gapen.

RUBBER ROOM  
OPENS OLD AREAS

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## HOROSCOPE

By Stella.

SUNDAY, JANUARY 14.—Born  
today, you are a "go-getter." You  
have an original and inventive  
mind and are fond of mechanics,  
the sciences and electricity. Even  
you members of the fair sex might  
be tempted to enter one of the pro-  
fessions usually considered for  
men only. Yet you would not want  
to sacrifice marriage, a home and  
family for this, since you are em-  
inently suited for domestic happi-  
ness. In any event, you will prob-  
ably be one of those women who  
can always mend things around  
the house—to the envy of some  
but the despair of others who do  
not have a similar talent.

You have a pleasant personality  
and both you men and women



## FOREIGN NEWS.

### Arrival of the *Hibernia*. 13 DAYS LATER FROM EUROPE. From the New York Herald.

We received by a private overland exclusive express from Boston, our letters and despatches from the steamship *Hibernia*, which arrived at Boston yesterday, after a passage of sixteen days from Liverpool.

O'Connell has not been sentenced, but him and all his co-conspirators are struggling for a new trial; with what success we shall be better able to state by the next arrival.

The intelligence is fifteen days later, and is highly interesting in a political, commercial and financial point of view. The fall in cotton is from 1/2 to 1/4 per lb. a piece of information that will astonish all the cotton speculators in the country.

The Texas question of annexation had reached England, and produced a very great sensation in political circles.

Ireland was in a very excited state and our next account from Great Britain must be of the most interesting nature.

### PARLIAMENTARY.

Parliament met after Easter holidays on Monday, and the popular branch of the Legislature has since been engaged in the consideration of a number of multifarious, but not very absorbing questions. On the first night little was done. The second night was devoted to subjects which elicited some discussion, though they possessed little interest. The first was a motion of Mr. Wyse for a return of the names of persons employed by government, the object being to show that Irishmen had not their share of the government patronage. It was resisted by Sir Robert Peel, who maintained that the principle of the government was to appoint the public servants not with reference to the places of their birth but with reference to their qualifications—an excellent system, when rigidly carried out, which, unfortunately, is not always the case.

The next topic referred to the survivors in the great Peninsular campaigns, where the Duke of Wellington earned his fame as a soldier, Sir A. Leith contending that injustice had been done them in the distribution of honors and patronage.

The remainder of the session is likely to be more than usually barren of interest, and an early adjournment is confidently anticipated.

### AMERICA AND TEXAS.

The intelligence brought by the last arrival from the United States is of great interest and importance. It appears that a special envoy has arrived at Washington from the Texian Government, commissioned to make an official offer of annexation on the part of the young republic. An offer of a similar description was made in the year 1837, and was then rejected, but under very different circumstances. At that period the acceptance of the offer of the Texans would have involved the United States in an expensive, embarrassing, and somewhat uncertain war with Mexico, and also in the very probable contingency of a rupture with England. Moreover, the public mind in the United States was very much divided on the subject of slavery, and greatly excited on the part of the New England States in regard to any accession of influence in the Union to the Southern interests.

In the present instance also it appears very uncertain whether, on the whole, the annexation of Texas may not be an event rather favorable than otherwise for British interests. If it deprives us of a means of annoying the United States, and so far removes the temptation to a war, it is by no means certain that this ought not to be looked on as an advantage. A war with the U. States, even if

contributed by the writer and his clergy. In the course of the proceedings,

Mr. O'Connell said he believed the course taken against them would be as follows: On the 15th inst. said the learned gentleman, "We will be called up for judgement, which perhaps will not be pronounced until the 18th inst. and on that day our writ of error may be entered."

### Sentence of Samuel Dias, as pronounced by JUDGE LAW, May 11th 1844.

SAMUEL DIAS: You have been charged by the Grand Jury of your county, on their oath, with having purposely, of deliberate and premeditated malice, murdered GEORGE BROCK, by giving to him three mortal wounds with an axe; of which mortal wounds, he instantly died. The deed is alleged to have been committed in this county on the 10th day of October last.

Upon this charge you have been twice put on trial by a jury of your fellow-citizens selected by yourself. By the solemn oaths, then of thirty-six men you have been accused and convicted of the crime for which you are to suffer. You cannot say that you have not had a fair and impartial trial. To the benignity and caution exercised under our laws, when the life of an individual is at stake, you owe it that long since you were not hurried before that tribunal from which there would have been no appeal. Every indulgence has been granted you; able counsel have been assigned you; every matter, whether of law or fact, which they could urge in your behalf, either to the court or jury, has been urged by them. No circumstance calculated to produce an acquittal, or to reduce your offence from murder in the first degree, to that of murder in the second, and which the merciful enactments of our Revised Laws have punished differently, have been omitted by them. The jury who sat in your last trial listened with great patience and marked attention for two whole days to every matter of fact or law which could be adduced either for or against you. It was evident that the whole leaning of their minds was in favor of acquitting you, or reducing your crime from a higher to a lower degree of punishment, if they, in their consciences, could have rightfully and legally have done so. They were your own choice; to their hands you committed "the issues of life and death;" they have found those issues against you. With their verdict we are satisfied. In our opinion it accords with the facts sworn to, and the truth of the case. I will not harrow up your feelings at this time by a recapitulation of the evidence against you. Suffice it to say, that, in our opinion, the act was wholly unprovoked, and unattended by the slightest palliating circumstance. It was a cool, revolting and bloody murder, perpetrated purposely, maliciously, deliberately and premeditatedly. It showed a heart totally regardless of all social and moral duties, and fatally bent on mischief. To the grave you have sent your victim; "unavenged, unannihilated," with his sins unrepented of; ay, even without time for repentance or a prayer to the God who made him, for mercy—to that God before whom he was so instantly to appear. And when and where was this act consummated? In a house notorious for its vice and infamy; where the whole Sabbath night previous had been prostituted to vice and drunkenness and debauchery; and where the fumes of liquor on the Monday following (the day of the murder) were scented with the blood of your victim; and to this house, thus reeking with pollution, you suffered your daughter, scarce fifteen years old apparently, to mix with vice and immorality, and to remain all night of the Sabbath day the companion of an abandoned woman, and the associate of dissolute and depraved

### COUNTY CONVENTION.

At the Convention of the Whigs of Vigo county, convened at the Court House, in Terre Haute, on the 11th day of May, 1844, for the purpose of nominating suitable persons to represent the county in the next Legislature, DANIEL H. DICKERSON was called to the Chair, and ANDREW WILKINS was appointed Secretary.

It was, therefore,

*Resolved*, That each township should be entitled to five votes, in the selection of Candidates.

And the townships having ballotted for Candidates, it was ascertained that JOSEPH S. JENCKES, JOSEPH C. EARLY, and D. M. JONES had received a majority of votes:

Whereupon the following resolutions were unanimously adopted:

*Resolved*, That this Convention unanimously approve the nomination of HENRY CLAY, for the Presidency, and THEODORE FRELINGHUYSEN, for the Vice Presidency of the United States, and that we pledge ourselves to use all honorable means to secure their election.

*Resolved*, That we look to the election of these two distinguished statesmen with the deepest interest—believing as we do, that upon the result, depends the permanency of our institutions and the perpetuation of those principles which are essential to our national glory, prosperity and honor.

*Resolved*, That we are opposed to an abandonment of the protection to the industrial interests and resources of the country, which, since the earliest period of our government has been thrown around them, and can yield our support to no man or set of men, who would abandon them to ruinous foreign competition.

*Resolved*, That we are in favor of the Distribution of the Proceeds of the Sales of the Public Lands, amongst the States of this Union, as a measure of right and justice to the States.

*Resolved*, That we are in favor of a well regulated National Currency, as the only means of relieving the country from the ruinous consequences of the irredeemable issues of Local Banks.

*Resolved*, That we are opposed to continued experiments in National Legislation, as tending to a total destruction and abandonment of those sacred and wholesome principles which were bequeathed to us by our patriot and revolutionary ancestors.

*Resolved*, That we pledge ourselves to our brother Whigs of Indiana, that in the contests of this year, the Whigs of Vigo will do their duty to the interests of the whole country, and the glorious principles for which we have so long struggled.

*Resolved*, That this Convention present to the citizens of this county JOSEPH S. JENCKES, JOSEPH C. EARLY, and DAVID M. JONES, as candidates for Representatives to the next General Assembly, of this State, and earnestly solicit the active and united energy of the Whigs of the county to secure their election; and pledge themselves, as Whigs, and as Delegates, to support the nomination of the above named persons, and to promote their election by all fair and honorable means.

DANIEL H. DICKERSON, Pres.

ANDREW WILKINS, Sec.

### TYLER IN THE FIELD.

The correspondent of the Philadelphia Ledger, a Tyler organ, announces that the Captain will take the field for the Presidency, whatever may be the decision of the Baltimore Convention. The Madisonian, he says, is shortly to assume this ground. Mr. Cal-

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Wabash Courier (Terre Haute Ind) 5-18-1844 p. 2



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had not their share of the government patronage. It was resisted by Sir Robert Peel, who maintained that the principle of the government was to appoint the public servants not with reference to the places of their birth, but with reference to their qualifications—an excellent system, when rigidly carried out, which, unfortunately, is not always the case.  
The next topic referred to the survivors in the great Peninsular campaigns, where the Duke of Wellington earned his fame as a soldier, Sir A. Leith contending that injustice had been done them in the distribution of honors and patronage.  
The remainder of the session is likely to be more than usually barren of interest, and an early adjournment is confidently anticipated.

### AMERICA AND TEXAS.

The intelligence brought by the last arrival from the United States is of great interest and importance. It appears that a special envoy has arrived at Washington from the Texian Government, commissioned to make an official offer of annexation on the part of the young republic. An offer of a similar description was made in the year 1837, and was then rejected, but under very different circumstances. At that period the acceptance of the offer of the Texans would have involved the United States in an expensive, embarrassing, and somewhat uncertain war with Mexico, and also in the very probable contingency of a rupture with England. Moreover, the public mind in the United States was very much divided on the subject of slavery, and great jealousy existed on the part of the New England States in regard to any accession of influence in the Union to the southern interests.

In the present instance also it appears very uncertain whether, on the whole, the annexation of Texas may not be an event rather favorable than otherwise for British interests. If it deprives us of a means of annoying the United States, and so far removes the temptation to a war, it is by no means certain that this ought not to be looked on as an advantage. A war with the U. States, even if successful beyond our most sanguine expectations, would be a calamity of the most fatal description. Moreover, the annexation of Texas would give great additional preponderance in the Union to the interest upon which we must necessarily rely the most for the maintenance of friendly political and commercial relations with England—that, namely, of the southern cotton growing States.—The vote of Texas would be necessarily an additional freetrade vote, which, in the present balanced state of parties and interests, might frequently prove decisive. We cannot afford to alienate the southern interests and strengthen the advocates of the high tariff by opposing a measure so warmly advocated by the Southern States, and by enlisting all the feelings of national pride and Anglo-Saxon prejudice against us throughout the Union. Nor is it ever good policy in a nation to commit itself to an opposition against the natural course of events, which evidently points to the ultimate incorporation of the unoccupied prairies of Texas with the neighboring and parent State. We trust therefore, that whatever may be the result of the present negotiation at Washington the amicable relations between the two countries will not be disturbed by any unreasonable interference on our part with the domestic affairs of another continent.—*Liv. Mer.*

### IRELAND.

*State Prosecutions.*—Monday being the first day of Easter Term, the vicinity of the courts of law was crowded by an expectant multitude, who were on the tiptoes of expectation to learn the sentence of the convicted conspirators in the late State trials. They were, however, disappointed. The court sat, the city and county grand juries were sworn, a few motions of no general interest were

made. No circumstance calculated to produce an acquittal, or to reduce your offence from murder in the first degree, to that of murder in the second, and which the merciful enactments of our Revised Laws have punished differently, have been omitted by them. The jury who sat in your last trial listened with great patience and marked attention for two whole days to every matter of fact or law which could be adduced either for or against you. It was evident that the whole leaning of their minds was in favor of acquitting you, or reducing your crime from a higher to a lower degree of punishment, if they, in their consciences, could have rightfully and legally have done so. They were your own choice; to their hands you committed "the issues of life and death;" they have found these issues against you. With their verdict we are satisfied. In our opinion it accords with the facts sworn to, and the truth of the case. I will not harrow up your feelings at this time by a recapitulation of the evidence against you. Suffice it to say, that, in our opinion, the act was wholly unprovoked, and unattended by the slightest palliating circumstance. It was a cool, revolting and bloody murder, perpetrated purposely, maliciously, deliberately and premeditatedly. It showed a heart totally regardless of all social and moral duties, and fatally bent on mischief. To the grave you have sent your victim; "unrepented of, unrepented of," with his sins unrepented of; ay, even without time for repentance or a prayer to the God who made him, for mercy—to that God before whom he was so instantly to appear. And when and where was this act consummated? In a house notorious for its vice and infamy; where the whole Sabbath night previous had been prostituted to vice and drunkenness and debauchery; and where the fumes of liquor on the Monday following (the day of the murder) were scented with the blood of your victim; and to this house, thus reeking with pollution, you suffered your daughter, scarce fifteen years old apparently, to mix with vice and immorality, and to remain all night of the Sabbath day the companion of an abandoned woman, and the associate of dissolute and depraved young men! Is it strange that a parent thus lost to all sense of shame in reference to his offspring, should forget all those obligations and duties which belong to him as a man; should shed the blood of his fellow man; and affix upon his own forehead a mark as indelible as that which God himself affixed upon the forehead of the first murderer?

*Samuel Dias!* Let me tell you, that, on this side of the grave, there can be no hope of pardon, for you. Your doom here, I believe to be irrevocably fixed. You must suffer an ignominious death that others may be deterred by your example,—may hereafter be prevented from the commission of crime. The lamp of your life has nearly expired! The sands that measure it are already shaken. Prepare yourself, then, I beseech you, for the destiny that awaits you; and employ the short space of time that is awarded you here on earth, in making your peace with God who is in heaven; of that Being who although he has said "vengeance is mine, and I will repay," has also said "that a contrite heart and broken spirit" are acceptable sacrifices in his sight. To him let those sacrifices be made, while yet an opportunity is awarded you; that they may be acceptable, is our sincere and earnest prayer.

It now only remains to pronounce the judgment the law has provided for your crime. It is—"that you be taken from hence to the common Jail, of the county, and that you be safely kept; that on Friday, the 14th day of June, in the year of our Lord, 1844, you be taken to the place of execution, and, between the hours of nine o'clock in the morning and four o'clock in the afternoon of that day, that you be hung by the neck till you are dead; and may God have mercy on you!"

document of the protection to the industrial interests and resources of the country, which, since the earliest period of our government has been thrown around them, and can yield our support to no man or set of men, who would abandon them to ruinous foreign competition.

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DANIEL H. DICKERSON, Etc.

ANDREW WILKINS, Sec.

### TYLER IN THE FIELD.

The correspondent of the Philadelphia Ledger, a Tyler organ, announces that the Captain will take the field for the Presidency, whatever may be the decision of the Baltimore Convention. The Madisonian, he says, is shortly to assume this ground. Mr. Calhoun, we learn from the same well-informed source, is unqualifiedly opposed to Mr. Van Buren. He will of course oppose his election, and throw his weight into the Tyler scale.—The "Democracy" are in a hopeful way.

The same oracular correspondent says, that "a pretty general sweep will take place as regards the corps of Foreign Ministers, and that the mission to London will undergo a change."—Let it be so, we say; there is a day of reckoning at hand.—*Whig Stan'd.*

### THREATENED DISBANDING OF THE LOCOFOCO PARTY.

There is no longer any attempt to conceal the fact that a large portion of the Locofoco party, including a very considerable number of members of Congress, are engaged in an intrigue to deprive Martin Van Buren of the nomination of the Baltimore Convention. Although this scheme has long been on foot, no favorable opportunity for bringing it to a head had occurred until Mr. Van Buren's letter on Texas and the result of Virginia elections, afforded a plausible ground for taking an open position against him. This position has already been taken, and, strange enough, Mr. Richie, the editor of the Richmond Enquirer, is at the head of the movement. That veteran and astute gentleman, foreseeing, we suppose, the inevitable defeat of Mr. Van Buren, has caused the Democratic Association of the city of Richmond to adopt resolutions, the object of which is to induce the Central Committee to issue an address to the Delegates to the Baltimore Convention, absolving them from all obligation to vote for Mr. Van Buren, and instructing them to go for a candidate who is in favor of the immediate annexation of Texas. These resolutions have been denounced by the Globe as recommending a measure which is equivalent to the disbanding of



# THE WABASH COURIER.

JESSE CONARD, Editor.

TERRE-HAUTE, SATURDAY, MAY 18, 1844.

FOR PRESIDENT,  
**HENRY CLAY,**  
OF KENTUCKY.

FOR VICE PRESIDENT,  
**Theodore Frelinghuysen,**  
OF NEW JERSEY.

## WHIG ELECTORAL TICKET.

STATE ELECTORS.  
**HENRY S. LANE,**  
**JOSEPH G. MARSHALL.**

DISTRICT ELECTORS.  
1st. J. A. BRACKENRIDGE, of Warrick.  
2nd. JAMES COLLINS, of Floyd.  
3rd. J. A. MATSON, of Franklin.  
4th. SAMUEL W. PARKER, of Fayette.  
5th. HUGH O'NEAL, of Marion.  
6th. GEORGE H. DUNN, of Lawrence.  
7th. RICHARD W. THOMPSON, of Vigo.  
8th. ALBERT L. HOLMES, of Carroll.  
9th. HORACE P. BIDDLE, of Cass.  
10th. LAWRENCE G. THOMPSON, of Allen.

## WHIG PRINCIPLES.

ASHLAND, Sept. 13, 1842.

DEAR SIR:—I received your favor, communicating the patriotic purposes and views of the young men of Philadelphia, and I take pleasure in compliance with your request, in stating some of the principal objects which I suppose, engage the common desire and the common exertion of the Whig party to bring about, in the Government of the United States. These are—

1. A sound National Currency regulated by the will and authority of the Nation.
2. An Adequate Revenue, with fair Protection to American Industry.
3. Just restraints in the Executive power, embracing a further restriction on the exercise of the veto.
4. A faithful administration of the public domain, with an equitable Distribution of the proceeds of the sales of it among all the States.
5. An honest and economical administration of the General Government, leaving public officers perfect freedom of thought and of the right of suffrage; but with equitable restraints against improper interference in elections.
6. An amendment of the Constitution, limiting the incumbent of the Presidential office to a single term.

These objects attained, I think that we should cease to be afflicted with a bad administration of the Government.

I am respectfully,  
Your friend and ob't servant,  
**HENRY CLAY.**

Mr. JACOB STRATTON.

## August Election.

FOR THE LEGISLATURE.  
**JOSEPH S. JENCKES,**  
**JOS. CARR EARLY,**  
**DAVID M. JONES.**

We are authorized to announce N. F. CUNNINGHAM as a candidate for re-election to the office of Collector and Treasurer of Vigo county, at the August election.

We are requested to announce C. H. BALLEY as a candidate for Treasurer at the August election.

WABASH.—Our river is now in fine Steamboat order, and rising.

## CUMBERLAND ROAD.

The bill for the continuation of the Cumberland Road in the States of Ohio, Indiana, and Illinois, has passed the Senate. The bill appropriates \$400,000. \$100,000 in Ohio; \$150,000 each, in Indiana and Illinois. The vote on the final passage in the Senate stood, ayes 20, noes 11; showing a large majority in favor of the measure. We hope the House may be equally favorable to an appropriation for this great National work.

W. & E. CANAL.—The bill granting lands for the completion of the Wabash & Erie Ca-

## MR. VAN BUREN ABANDONED.

It seems now almost certain, that Mr. VAN BUREN will be withdrawn; and some name used in his stead, as the Locofoco Candidate for the Presidency. Virginia has turned against him. The Locofoco members of Congress from Indiana have signed cards intimating that some other name must be substituted. The thing is up, we believe, with MARTIN. The *Baltimore American* of the 8th inst., remarks:—The demonstration against Mr. Van Buren goes on with increasing force. The Indiana delegation in Congress—except the Whig portion, which has nothing to do, of course, with these squabbles—appear in their own names in the *Globe* of Monday and declare their conviction that Mr. Van Buren will not do. Mr. Saunders, of the House of Representatives, from North Carolina, publishes a card declaring the same thing. The Mississippi members of the House appear also in a card, stating that they cannot support any one for the Presidency who is not for the immediate annexation of Texas. This strikes at Mr. Van Buren, although he is not mentioned by name.

The *Globe* charges that a coalition has been formed between Mr. Calhoun and Mr. Tyler, and says that the annexation of Texas was the pivot on which they had fixed their lever some time since to overturn the rival and competitor of both:—

"We now have," says the *Globe*, "a denouement of that ripened plot in the present attitude of things in Washington. We have a treaty which creates a capital of ten millions of Texas stock converted into that of the United States, which the agents of Texas now have at their disposal, to work with and give direction to the presidential nomination. We have, besides, the granted as well as unceded lands of Texas as another vast influence in the hands of those who have the disposal of them. We have all the vast patronage of the administration, which is now notoriously set up as a bounty to those who will join the ranks of the new coalition. These extraordinary means have prompted thousands of busy spirits to work to spread panic and dismay throughout the heart of the democracy; to send letters throughout the country to operate upon the public mind, and bring back their reflected feelings to operate upon the democracy of Congress. And we see at this moment the influence of this vast concerted conspiracy in the utter consternation and disbandment of the democratic party in Congress."

## DREADFUL RIOTS IN PHILADELPHIA—CONFLAGRATION AND LOSS OF LIVES.

The last Philadelphia papers give accounts of bloody and most fearful riots which took place in the Kensington District on the 7th and 8th inst. The circumstances of this outrage appear to be connected with a meeting of the advocates of the Native American principles, which assembled at the corner of Moaster and Second streets. When the third speaker arose to address the meeting (says the *U. S. Gazette*), some disturbance and noise were made by persons, represented as being Irishmen. Fights ensued and shots were fired from persons in the crowd.—The riots continued during the night and following day. A number of persons were shot dead and at the last dates, *twenty nine houses burned*—one of the Market houses also reduced to a heap of ruins.

The Military were called out and formed on Menster street, under command of Gen. Cadwallader. Cannon were stationed so as to range several of the streets.

The *U. S. Gazette* concludes a long article as follows:—

"The excitement during yesterday afternoon and

## SENTENCE OF SAMUEL DIAS.

In our last we mentioned the trial and conviction of Samuel Dias, for the murder of George Brock. On Saturday last sentence was passed upon the prisoner, and Friday the 14th of June, fixed upon for his execution. The sentence was pronounced by Judge Law, and will be found at length in another column. The sentence was pronounced in a most effecting manner by the Judge—Yet upon the prisoner we could not observe the slightest move of a muscle or feature of the face, in any way indicating that the man felt the awful character of his situation; or that he was at all sensible of the solemnity of the occasion.

## TIPPECANOE BATTLE GROUND.

By reference to our Advertising columns, it will be seen that the Steamboat OCEAN will leave Terre Haute for the Battle Ground on the morning of the 27th inst. We have conversed with Capt. Gwaltney, and have reason to believe that his accommodations will be good, and his terms very reasonable.

TIPPECANOE CONVENTION.—We have received a letter from an authentic source at Washington, and which may be relied upon, stating that the Hon. THOMAS EWING, of Ohio, and Hon. FRANCIS GRANGER, of New York, have both promised to attend, and may certainly be expected at the Tippecanoe Convention, on the 29th of May.

## INDIANA.

The following is the list of delegates in attendance from Indiana at the Baltimore Convention, as reported in the *Baltimore Patriot*:

Jas. Rariden, Samuel Hanna, Christian Coor, Wm. R. Boyer, Samuel C. Dunn, John B. Semans, Marston G. Clarke, H. P. Thornton, John W. Payne, A. J. Simpson, W. Graham, Richard Chambers, Milton Gregg, E. Conwell, Smith Wawter, Wm. B. Butler, J. A. Graham, Wm. C. Pelham, Samuel Hall, Isaac Sands, Douglas Maguire, Wm. Conner, Sam. Herriott, C. C. Nave, Jas. P. Foley, Eli Murphy, Geo. B. Tingley, Wm. P. Stevens, W. H. Bennett, D. P. Holloway, Jas. Farrington, John Ewing, E. W. McLaughery, John R. Porter, Jas. T. Moffatt, Alphonso A. Cole, Robert C. Green, N. B. Grove, Wm. McKenton, John Comstock, John D. DeForest, Thos. H. Bassett, D. G. Ross, Stephen H. Conitt, J. S. Harvey, J. F. Allison, Sam. Moore, J. Waver, John M. Blum, Aaron, Haughton, David Kilgore, Nathan B. Hawkins, John B. Lee, R. N. Williams, J. Way, E. Murray, D. Nicholas, R. L. Douglass, M. Sweetser, G. W. Wood.

## [COMMUNICATED.]

JUDOR CONARD:—As the time for holding the Tippecanoe Convention is drawing near, and the time for making preparations is still nearer, it might not be amiss for the Whigs of Vigo who propose going to the Convention, to take into consideration some of the preliminaries necessary before starting. As an accompaniment of a Delegation, a *Banner*, as well as a *Band of Music*, will be most indispensable. A demonstration of the Whig spirit of Vigo should be exhibited in colors of some kind—whether by a Banner, a Flag, or any thing emblematic of the devotion to Whig Principles that exists among us. The Whig county of Vigo should be well represented at the Battle Ground Convention, both by numbers and evidences of her zeal in the cause. The time is short, but it is hoped something suitable to the occasion will be fitted up.

VIGO.

## New Orleans Market.

MAY 4th 1844.

Flour.—There has been a fair demand for flour, and several parcels taken for shipment at \$4 18 a \$4 20 per bbl. The arrivals have been in a moderate extent, but the market appears to be well stocked. Flour from

FROM the suber  
E horse, four yea  
mane, tail, and feet  
size of a hickory  
fore part of the saddle  
hands high.  
Any person return  
tion, to me where b  
rewarded by  
Terre Haute, May

SIGN O  
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Terre



Millwrights' Augur  
Crows and cradle Scy  
and Coil Chains, S

The Saddlery at  
Trimming, Buckle  
Bram and Plated Stir  
Rings, Carriage Lam  
Elastic Springs, ma  
Skins and Boxes, I  
Indiarubber Cloth,  
Cloths, Hames, Se  
Whips, Curled Hair  
kinds. It is impos  
articles in the space  
are respectfully inv  
and prices. They i  
siness, and sell at p  
inflection, either at  
chaunts are invited to  
CABIN

Table Bells, 6 an  
variety of Sockets,  
Hogany Knobs, ext  
Vaneering Hammer  
Kettles, and all ma

Terre Haute, Ma

INDIAN

THE subscriber  
that for the las  
the Mercantile busi  
Indianapolis, Indi  
he hopes perman  
Mercantile business  
earnestly solicits a  
Goulds, or have pro

4000 Yards Brown  
4500 do Calico  
1000 do Bed T  
750 do Blue I  
500 do Broad  
300 do Red A  
500 do Figur  
200 do Bonin  
200 do Print  
300 do Jacke  
400 do Foutin  
100 do Shawl  
Received per lat  
diana Exchange.

2000 Gallons New  
4000 Lbs. New th  
6400 do Rio and  
650 do Young  
teas

1000 do Virgin  
100 do Manila  
800 do Madder  
500 do Lead, 6  
20,000 Persuasion  
600 Lbs. Pepper a  
5 Bls. Natch's pu  
5 do, Tar, 4 bx  
1000 Lbs. Salarat  
line, for sale by

(See large Ditts  
Terre Haute, A

RUNAWAY I  
Mary's Chur  
county, Indiana,  
apprentice to the  
eleventh year, an

Wabash Courier (Terre Haute IN) 5-18-1844 p.3



I have now the honor to wear, and in the  
useful labors of the kitchen."

Appended to this speech is the following  
note:

"When this subject was under considera-  
tion at the last session, the honorable Speak-  
er (Chapin) remarked to the following effect:

"If gentlemen will not allow us to have  
black slaves, they must let us have white ones;  
for we cannot cut our firewood, and  
black our shoes, and have our  
WIVES AND DAUGHTERS WORK  
IN THE KITCHEN."

We refer to the Whig authority also for  
this. It will be found in the National Intel-  
ligencer of the 1st of July 1820. How is it  
Doctor?

Thus much for the Dr.'s blundering deni-  
als; we challenge him to controvert, success-  
fully, those allegations, or bear the brand we  
have publicly hurled upon him, not only in  
reference to these but other subjects. He  
may wriggle, and twist, prevaricate, & out lie  
Ogle himself if it suits his dignity; we have the  
COON by the hair, and we expect to skin  
him too—If Polk root won't effect it we'll try  
the virtues of "Young Hickory."

## FORT WAYNE SENTINEL

SATURDAY, JULY 20, 1844.

FOR PRESIDENT

JAMES H. POLK, of TENNESSEE.

FOR VICE PRESIDENT

GEORGE M. DALLAS, of PENN.

FOR SENATOR,

WM. ROCKHILL, of ALLEN Co.

The trial of Elias Doby for the murder of Lo-  
renzo G. Noyes, in Steuben county, has occupied  
our court the whole of the present week. It  
is nearly closed, and the verdict will probably be  
rendered this afternoon.

Correction.—We printed a Circular for Wm.  
Lytle on Thursday last, in which we made a  
mistake in one word, which materially alters the  
sense. In Mr. Taylor's certificate we make him  
to ask Dr. Jones "if Bayless was not the  
'strongest' man." It should have been "smart-  
est" man. The certificate should have read

Arrival of Mr. Cassing in China.—His Excel-  
lency, C. Cassing, Envoy Extraordinary and  
Minister Plenipotentiary from the United States  
of America to the Court of Peking, with his wife,  
arrived in Macao Roads on the 25th March, on  
board the United States ship Brandywine, Com-  
modore Parker. His Excellency has apartments  
on the Praya Grande, where he will remain un-  
till the Brandywine shall have taken in her  
stores, and made other necessary arrangements  
to proceed on her voyage to the mouth of the  
Payho.

Execution.—Samuel Dias was executed at  
Terre Haute on the 5th inst. for the murder of  
George Brock. He sustained himself with great  
firmness, but declined addressing the assemblage  
before he was turned off. About 7,000 persons  
are estimated to have been present, feasting  
their eyes with the pleasant spectacle of seeing  
a fellow creature deprived, by legal violence, of  
life.

Trial of Polly Bodine for the Murder of Mrs.  
Houseman and Child on Staten Island.—This trial  
lasted 10 days, and was brought to a close on  
the 4th inst. The jury after being 18 hours ab-  
sent, came into court and stated that they were  
unable to agree; they were accordingly dischar-  
ged, and the prisoner remanded for a new trial.  
The jury stood 11 for conviction and 1 for ac-  
quittal.

New York, July 9.—Flour, Genesee, \$4.31 a  
4.38; Ohio and Michigan, 4.18 a 4.25; Wheat,  
Carolina, new, 92; Illinois, 88 a 92. Asbes.  
pots, 4.06; pearls, 4.50. Pork, mess, 8.75 a  
9.00; prime, 6.68 a 7.00. Beef, mess, 4.73;  
prime, 2.75 a 3.25. Hams, 4 a 6. Lard, 6.—  
Cheese, 3 a 5.

### DREADFUL RIOTS IN PHILADELPHIA.

Sanguinary Conflict between the Native Americans  
and Military!—Dreadful loss of Life!!!

Philadelphia has again been the scene of a  
dreadful and sanguinary riot, brought on by the  
spirit of intolerance and fanaticism engendered  
among its citizens by the new-fangled Native  
American party. Upwards of 50 persons are  
ascertained to have been wounded, many mor-  
tally, and 13 were killed outright. Where all  
this will end, or what it may ultimately lead to,  
it is impossible to conjecture. It would appear,  
however, to be the duty of all good citizens to  
discountenance and put down the movements

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# RE HAUTE EXPRESS.

IANA, SUNDAY, APRIL 22, 1883--DOUBLE SHEET.

## DYAS' DEED.

The First Man Hanged in Vigo County--History of His Crime.

George Brock, a Cattle Breeder, Killed for Refusing to Pay a Whisky Bill.

The Day of the New Yorker's Execution Made a Gala Day.

On the 5th of July, 1844, Henry Dyas was hanged at the foot of Strawberry Hill, for the murder of George Brock in Nevada township, this county, in the fall of the previous year. This was the first death penalty ever inflicted by the law in this county, and the execution therefore excited the greatest interest in the neighboring counties of this state and Illinois, and a crowd estimated at several thousand witnessed the last scene in the dark tragedy of which Dyas was the central figure. For a radius of fifty miles from Terre Haute, the farmers flocked here with their families, and the day on which a fellowman was to pay with his life a violation of the laws of the state was made a gala day. No better place could have been selected for a public spectacle than that at the foot of Strawberry hill, with its vast natural amphitheatre, furnishing an excellent view of the gallows erected for the execution. The prisoner rode from the jail at the corner of Third and Ohio streets to the gallows, seated on his own coffin, which was placed in an open wagon. He was dressed at his own request in a white shroud, and the spectacle thus afforded, was followed to the gallows by an eager, curious crowd.

Wm. Ray was then sheriff of Vigo county, and Marvin M. Hickox the deputy. The sheriff sprung the trap after his deputy had fixed the rope around the neck of the criminal. In adjusting this the knot slipped and instead of having his neck broken by the fall, he was slowly strangled to death.

The murder for which Dyas was executed was committed, as stated before, in Nevada township, in the fall of 1843, and was one of the most horrible and unprovoked crimes in the annals of this portion of the state. The scene of the crime was the log cabin of an old woman, Mrs. Brady, situated near the old Brooks' mill, on Otter Creek, three-fourths of a mile west of the station formerly known as Millon, on the I. & St. L., and about a mile north of the present station of Grant, where the C. & E. I. coal branch crosses the I. & St. L.

Old Mrs. Brady, as she was commonly known, was a notorious character in the sparsely settled neighborhood, and

in that condition until his death, which occurred some fifteen or sixteen years ago.

On the testimony of Mrs. Dyas was convicted in the Vigo county court, and sentenced to be hanged on the 4th of June, 1844. Arrangements were made for his execution on this date, but he was respited by the governor for one month. To prevent the execution falling on the national holiday, the date was changed to the day following, and on that day the convicted man suffered the penalty of his dreadful crime.

Old Mrs. Brady and her daughter left these parts soon after, and it was reported here several months after that the old woman had been hanged by a mob in one of the southern states for murder. She was a very rough character, and it was said that before locating in this county she had killed a husband with a flat iron in another state, and had come here to escape from this law. This was never proved on her, but from her bad character, it was generally believed by the residents in her immediate vicinity.

## CHURCH CHIMES.

The usual services will be held to-day at the following churches:

Asbury--Corner Fourth and Poplar streets. Rev. Samuel Beck, pastor.

Christian--On Mulberry, between Sixth and Seventh streets. Rev. H. O. Breeden, pastor.

Centenary--Corner Seventh and Eagle streets. Rev. Alfred Kummer, pastor.

Central Presbyterian--Corner Seventh and Mulberry streets. Rev. Thos. Parry, pastor.

Congregational--Corner Sixth and Cherry streets. C. P. Croft, pastor.

Greenwood Presbyterian--Corner Third and Moffatt streets. Rev. M. C. Peters, pastor.

St. Stephen's Episcopal--Corner Seventh and Eagle streets. Rev. F. S. Dunham, rector.

German Reform--On south Fourth. Rev. W. F. Hornsmyer, pastor.

German Lutheran--Corner Fourth and Swan streets. Rev. H. Katt, pastor.

German M. E.--Corner Fifth and Mulberry streets. Rev. Beveringhaus, pastor.

Baptist--Corner Sixth and Cherry streets. Rev. J. K. Wheeler, pastor.

## Notes.

Dr. Earp, of Greencastle, will preach at Asbury church to-day, morning and evening. The pastor, Rev. Samuel Beck, is sick.

At the Central Presbyterian church this evening Rev. Thos. Parry will deliver a discourse on "The Golden Locks of Old Orthodoxy."

Rev. H. O. Breeden will preach this morning on "Responsibility, or the Parable of the Talents." Evening theme; "Submission to God."

Rev. Kummer will touch on the Sunday question to-day, preaching on the fourth commandment: "Remember the Sabbath Day to Keep it Holy."

At St. Stephen's the Litany of Penitence is sung at 10:15 a. m., at 11 a. m. Matins, sermon and the celebration of the Holy Communion; and at 4:20 p. m. Even Song. Sunday school at the parish church at 9:15 a. m., and at St. Agnes chapel at 2:30 p. m.

Bishop Bowman, of the M. E. church, will deliver his popular lecture on "Japan" in this city at Centenary next Thursday evening. Admission will be free. Brief addresses will be delivered by Col. Thompson and Dr. Martin in the interest of Asbury University.

## THE SUNDAY SCHOOL.

Lesson For To-Day--Subject: "Paul

him ter--preaching." With Paul as a model teacher, Cardinal McCloskey and the archbishop of Canterbury are no more ordained for their work than D. L. Moody, the evangelist. Moody, it might appear, is even nearer the Pauline model. Howbeit, it is only comprehensive to ask that it was the Apostle Paul himself who adured Timothy to "stir up the Holy Ghost committed unto thee with the imposition of our hands." Indeed, it may be said that few, indeed, can now-a-days claim any such miraculous call and consecration to the ministry as was Paul's, and that by the common consent and practice of all Christian bodies the newest and most evangelical, as well as the most historical and catholic, some external rules are allowed to have a place in the constitution of Christian ministers.

## HIGH SCHOOL NOTES.

Joe Lewis has returned to his old place in the school.

Cam Buntin has been out of school with the mumps, but will be on duty Monday.

Miss Edith Daggett, of last year's class, is taking the review with the senior class.

It is probable that the Gymnasium association will give an entertainment in the near future.

The seniors are pondering seriously over their essays for commencement. Some of the class have their task finished and breathe a sigh of relief.

The music for commencement has arrived, and those who are wanted to assist in the choruses have been notified and will begin practice next week.

The members of the literary society put strength into it by their seal and fidelity and notwithstanding the small number of members the society will prosper.

Miss Lizzie Van Sant has withdrawn from school, a fact which will be a source of regret to her many friends. She will accompany her parents to Peru, Ind.

The High school boys have organized a base ball nine, and another nine is also to be organized, and now we can look out for some lively playing between the two clubs.

The English literature class have been reading the best selections from Burns and have become quite well acquainted with him and his different styles. They will next study the poet Byron.

The retiring speech by Emerson McLaughlin, and the inaugural by Ernest Meyzeck, were spirited and full of encouragement for the society. The president thanked the members for their support and said he admired the perseverance of those who did not give up when the society was in a trying position.

The botany class have begun their work in earnest and are traversing every available quarter for specimens. Miss Grover, the teacher, intends to have an excursion "to some secluded spot" and find some rare specimens. The school will all join in this excursion, and the Normal botany class will also be invited, and no doubt a splendid time will be had. There will be if we can judge from last year's trip. All who went with the excursion will remember it as a most enjoyable affair.

The class that will graduate in June consists of the following young ladies

for the purpose of construction of a site for ment building. Mr. Mill will be pleased to meet a terested either in propriety generally, and will l all suggestions that may b

## POOR PRACTICE.

The Commissioners Contracts for the ent Townships-- Court Notes

Commissioners' C The bids for the poor i opened yesterday and i awards were made:

HARRISON--Dr. T. W. Moo HOPEY CREEK--Dr. W. J

350. PRAIRIE--Dr. J. H. Lee PRAIRIE CREEK--Dr. J. M. LINTON--Dr. C. T. Hall; 35 PLEASANT--Dr. A. P. Pickett & RILEY--Dr. C. W. Russell; LOFT CREEK--Dr. Jas. Mel NEWING--Not awarded. OTTER CREEK--Dr. Both B. PAYETTE--Dr. J. H. Morris SUGAR CREEK--Dr. J. S. H

Guardian. Elias Littleton has bee guardian of Ida Greiner, and Howard Greiner, ag minor heirs of W. H. ceased. Bond, \$400, wit Fisher and Wm. H. Brown

Marriage Licen Byron C. Hedges and B

Edgar D. Fagin and V. Andrew Snow and Mar

Circuit Court Hon. Wm. Mack, Judge

James Mewhinney was each of two indictment without license; three against Mewhinney without license and one minors were dismissed.

Otto Dreher was fined for selling to minors.

Indictments against J. Zay Adams for trespass

missed.

George Grosjean was an appeal from Riley to charge of assault and be lin Lee, son of Isaac N Jean is the principal of school, and chastised the striking a playmate over a broomstick. The boy's complaint against him & battery and he was fine upon appealed to the cir

Mayer's Con

Chas. Russell and T. plain drunks, James H. and Chas. Freeland, di fined yesterday.

Justice Lockm

Henry Baker was fine for assault and battery o mer, an employee of mill.

David McNabney fled against William Shews licious trespass, and the fined until 2 o'clock W.

Sarah O. Bunden Al. against Lemuel N. Culai with being the father child, born June 10, 18 was issued for the defen

A warrant was issue Hubbard, charged by with assault and battery

and West's Minstrels, brated company, the will give one of their rnaments at the row night. In adre proprietors the Geo. Edwards, Sheppard, the three lent vocal quartette, extra and brass band, can be greeted by a

will open at Irving's London, September

derson blackmailing ver have been tried upon. es to Europe shortly under the manage-Russell.

as Kellogg has gener-Litia a large trunk t operatic wardrobe. orne's "Black Flag" t Philadelphia last a performance, last pper to the members and other friends. takes the company son, playing as far as Goodwin (and by) will spend for will spend the g in time to begin the

d San Francisco is According to Mr. J. "It is thrilling and newspaper proprietor a female composer. nd the curtain falls on she brains him with de. I believe the auce the piece with the male, who swallows a type metal, and ex-of the proof-reader, entertained an unre-

ment to be given by abination at the fair, will become of the seen here. The per-nist of shooting from, Buffalo Bill and Boances; bow and arrow diana; cow-boys will ard of twenty-five ill lano and wader to buffalo or wild Texas ther inside of two whole exhibition will the west.

DS VS. BLUES

Game at the Park Afternoon.

Protest Against the Resolutions.

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both teams will appear  
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eds will present a nine  
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these are Hoffman, who  
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ge being the substitution  
and Gallagher, both ex-  
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id right fields respective-  
nd Hepp will do the bat-  
the Blues.

Ministers' Action.

terial association has  
ollowing resolutions:

here is a manifest and  
ncy among certain classes  
toward a deprecation of  
y, notably in Sunday base

As ministers and repre-  
the various religions do-  
of the city, we desire to  
on record as firmly op-  
deprecation, not that we  
healthful and entertain-  
of base ball playing if in-  
any other day than the

Resolved, 1st. That we  
pon all young men to de-  
aging in this sport on  
That we call upon all  
are interested in the  
of the Christian Sabbath  
ous liberties of the pen-  
by civil law, to assist  
sible way in discouraging  
of Sunday deprecation.

ALFRED KUMMER,  
CHAS. P. ORR,  
SAMUEL BECK,  
T. A. CLANCY,  
H. O. BREEDEN,  
J. K. WHEELER,  
"MOR. PARRY."

BALTIMORE.  
7 Baltimore..... 2  
PHILADELPHIA.  
1 Athletics..... 1  
DAYTON.  
27 Dayton..... 1  
PITTSBURG.  
5 Toledo..... 6

April 21.—The Chicago  
k will be thrown open for

the corner of Third and Ohio streets  
to the gallows, seated on his own out-  
fin, which was placed in an open wa-  
gon. He was engaged at his own re-  
quest in a white shroud, and the  
spectacle thus afforded, was followed  
to the gallows by an eager, curious  
crowd.

Wm. Ray was then sheriff of Vigo  
county, and Marvin M. Hickox the  
deputy. The sheriff sprung the trap  
after his deputy had fixed the rope  
around the neck of the criminal. In  
adjusting this the knot slipped and  
instead of having his neck broken by  
the fall, he was slowly strangled to  
death.

The murder for which Dyas was  
executed was committed, as stated be-  
fore, in Nevins township, in the fall  
of 1843, and was one of the most hor-  
rible and unprovoked crimes in the  
annals of this portion of the state. The  
scene of the crime was the log cabin of  
an old woman, Mrs. Brady, situated  
near the old Brooks' mill, on Otter  
Creek, three-fourths of a mile west of  
the station formerly known as Milton,  
on the I. & St. L., and about a mile  
north of the present station of Grant,  
where the C. & E. I. coal branch  
crosses the I. & St. L.

Old Mrs. Brady, as she was common-  
ly known, was a notorious character in  
the sparsely settled neighborhood, and  
with a daughter who bore as hard a  
reputation as her mother, kept a low  
place, where liquor was sold, and  
dances held on frequent occasions.  
The place was the resort of all the low  
characters of that section, and among  
these was Henry Dyas, who, although  
a man of family, was noted for stand-  
ing very high in the favor of the prop-  
rietary of the den and her daughter.

One Saturday evening in October,  
1843, Mrs. Brady had a quarrel with  
George Brock, an Illinois cattle drover  
who had been stopping at the house  
several days, and who refused to settle  
a bill for whisky that the old woman  
presented. She used violent and abuse-  
ive language, and it was said made  
threats against his life.

The following Sunday morning Brock  
saddled his horse preparatory to leav-  
ing for his home, and returned to the  
house to bid the occupants good bye.  
This movement lost him his life, for  
while seated at the fire place in con-  
versation with one Alexander Mars,  
Dyas entered the door, and before  
Brock was aware of the latter's pres-  
ence, Dyas struck him in the back of  
the head with the blade of an axe  
that he carried in his hand. Mars, who  
had noticed the entrance of Dyas, but  
was unaware of his murderous inten-  
tions, when he witnessed the fatal  
blow fell from the room in fear of losing  
his own life. When Brock's body found  
it was discovered that he had been  
struck three times with the axe, one  
blow completely severing the spinal  
column. Either of the blows would  
alone have produced death.

Dyas, after completing his bloody  
work, fled to the woods, and an alarm  
was given by Mrs. Brady. When  
Mars fled from the house he had been  
stopped by the old woman, who ex-  
plained that he need fear no harm,  
but this did not satisfy him, and he  
concealed himself in the trunk of a  
hollow tree. From this place of con-  
cealment he saw Mrs. Brady emerge  
from the house, and going to a corner  
of the rail fence, change the dress  
which she wore and which was cov-  
ered with blood, for a clean one.  
She then gave an alarm, and the news  
of the crime being noised around, a  
crowd soon assembled. Dyas had  
concealed himself in the woods, but a  
guard was placed around his house,  
and that night or the following morn-  
ing he was captured, having stolen  
into the house for the purpose of pro-  
curing something to satisfy his hun-  
ger.

German Lutheran—Corner Fourth and  
Swan streets. Rev. H. Katt, pastor.  
German M. E.—Corner Fifth and Mal-  
berry streets. Rev. Severinghaus, pastor.  
Baptist—Corner Sixth and Cherry  
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Notes.  
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theme; "Submission to God."

Rev. Kummer will touch on the Sun-  
day question to-day, preaching on the  
fourth commandment: "Remember  
the Sabbath Day to Keep it Holy."

At St. Stephen's the Litany of Peni-  
tence is sung at 10:15 a. m., at 11 a. m.  
Matins, sermon and the celebration of  
the Holy Communion; and at 4:20 p. m.  
Even Song. Sunday school at the  
parish church at 9:15 a. m., and at St.  
Agnes chapel at 2:30 p. m.

Bishop Bowman, of the M. E. church,  
will deliver his popular lecture on  
"Japan" in this city at Centenary next  
Thursday evening. Admission will be  
free. Brief addresses will be delivered  
by Col. Thompson and Dr. Martin in  
the interest of Asbury University.

## THE SUNDAY SCHOOL.

Lesson For To-Day—Subject: "Paul  
Preaching Christ."—Acts, ix., 12-31.

After his conversion and baptism  
Saul seems to have remained quiet for  
several days recruiting his enfeebled  
health. His wonderful experience in  
conversion had left him in need of  
physical refreshment, for during sev-  
eral days following that remarkable  
encounter with the divine spirit, he  
was without food. These days of re-  
freshment were spent with the disci-  
ples at Damascus, and there the Saul  
who had gone to that place with mili-  
tary pomp and authority to persecute  
the Christians and lead the apostles  
captive to Jerusalem, is seen preaching  
Christ in the synagogues. What must  
have been the astonishment of the Jews  
who had anxiously waited and  
watched for the coming of this great  
man, high in authority, to drive from  
the sacred precincts of their city the  
hated Christians, to see that man by  
his own will stripped of that authority,  
and boldly declaring in their most  
holy temples that the Christ they had  
crucified was the Son of God! No  
wonder that they were confounded to  
see him who was their chief deserting  
them and making battle for their  
enemy. They had wondered at the  
power Jesus Christ had while on earth  
to attract to him such a large follow-  
ing, but here, after his death several  
years, he still possessed the power to  
make a Jew of great learning and high  
authority prove false to the trust  
placed in him by the Sanhedrim. It  
was such a remarkable conversion that  
even the apostles could not believe it  
at first.

There must have been great curio-  
sity both among the Jews and the  
Christians to hear this new convert  
speak. Whether he gave his own ex-  
perience or not is not told, but simply  
that he preached Christ as the Son of  
God. And no man could be better  
qualified to preach. He had studied  
theology with the most learned rab-  
bis, and he was learned in all the  
scriptures and literature of that day. He  
had studied the Scriptures with a view  
to deny Christ, and now that he was  
convinced that this was not success-  
fully to be done he was well prepared  
to show why it could not, and that the  
conversion of the Old Testament

Miss Lizzie Van Sant has withdrawn  
from school, a fact which will be a  
source of regret to her many friends.  
She will accompany her parents to  
Peru, Ind.

The High school boys have organized  
a base ball nine, and another nine is  
also to be organized, and now we can  
look out for some lively playing be-  
tween the two clubs.

The English literature class have  
been reading the best selections from  
Burns and have become quite well ac-  
quainted with him and his different  
styles. They will next study the  
poet Byron.

The retiring speech by Emerson Mc-  
Laughlin, and the inaugural by Ernest  
Meyzeck, were spirited and full of en-  
couragement for the society. The ex-  
president thanked the members for  
their support and said he admired the  
perseverance of those who did not  
give up when the society was in a try-  
ing position.

The botany class have begun their  
work in earnest and are traversing  
every available quarter for specimens.  
Miss Grover, the teacher, intends to  
have an excursion "to some secluded  
spot" and find some rare specimens.  
The school will all join in this excu-  
sion, and the Normal botany class will  
also be invited, and no doubt a splen-  
did time will be had. There will be  
if we can judge from last year's trip.  
All who went with the excursion will  
remember it as a most enjoyable af-  
fair.

The class that will graduate in June  
consists of the following young ladies  
and gentlemen. Some have taken the  
course in a shorter time than four  
years, but most have used the regular  
time: Mamie Allen, Josie Douglass,  
Addie Sparks, Emma Walker, Lenora  
Pound, Sallie Ward, Alice Farnham,  
Kate Hulman, Rebecca Turner, Lulu  
Wittig, Jessie Stewart, Lillie Probst,  
Oka Reese, Winnie Connelly, Lizzie  
McLean, Frank Bannister, Maggie  
Wolfe, Katie Lyne, Henry Holland,  
Harry Esterbrook, George Taylor and  
James Price.

## POLITICAL NOTES.

The election takes place a week from  
Tuesday.

The Young Men's Democratic club  
meets at Third and Ohio streets to-  
morrow night.

The Young Men's Republican Club  
will meet at Oriental hall to-morrow  
night. A full attendance of Republi-  
cans is desired.

B. F. Havens is announced this  
morning as a candidate for mayor on  
the Democratic ticket.

The Democrats will hold their pri-  
maries on Tuesday evening, and the  
Republicans on the evening following.

It is said that Pat Kinerk has con-  
sulted a fortune teller, who informed  
him that he had the "deadwood" on  
the Democratic nomination for assessor.

Os. Reynolds has returned from the  
west, and will devote his entire time  
and all his energies to working for the  
nomination for mayor on the railroad-  
er's ticket.

A Card from Capt. W. H. Armstrong.  
To the Editor of the Express.

Sir: When my name was first men-  
tioned in connection with the Repub-  
lican nomination for mayor I consid-  
ered it merely a suggestion and not re-  
quiring notice on my part. It has  
since become evident that some of the  
friends are in earnest in this matter  
and while I am obliged to them for the  
implied compliment, I must ask you to  
say that all such statements have been  
made without my knowledge or con-  
sent, and that I am under no condi-  
tions a candidate. The business in  
which I am engaged requires my en-  
tire time and attention, and I am sure  
there are several better qualified to  
select from, who are both ready and  
willing to serve.

WM. H. ARMSTRONG.

without license; thr  
against Mewhinney  
without license and o  
minors were dismissed

Otto Dreher was fin  
for selling to minors.  
Indictments against  
Zay Adams for tres-  
passed.

George Grosjean w  
an appeal from Riley  
charge of assault and  
in Lee, son of Isaac  
jean is the principal  
school, and chastised  
striking a playmate ov  
a broomstick. The bo  
complaint against him  
battery and he was f  
upon appealed to the

Mayor's Co  
Chas. Russell and  
plain drunks, James F  
and Chas. Freeland,  
fined yesterday.

Justice Leeb  
Henry Baker was fi  
for assault and batter  
mer, an employe of  
mill.

David McNabney sh  
against William Sh  
sicious trespass, and  
tinue until 2 o'clock

Sarah O. Sundren  
against Lemuel N. Cui  
with being the father  
child, born June 16, 1  
was issued for the def

A warrant was iss  
Hubbard, charged b  
with assault and batter

## THE RAIL

Various Items of C  
Local and G

P. W. Drew, master  
on the C. & E. I., w  
terday.

The O. & E. I. r  
night before last and  
cago yesterday morn

M. A. Gantz, a brak  
lla freight No. 18 extr  
foot badly crushed  
coupling in the yards  
terday.

A special to the  
Democrat from Decat  
strong probability of  
offices of the Illinois  
removed to this city

The Bee Line stean  
been in operation  
gravel pit for some t  
moved to Shelbyville  
where it will be used  
grades.

Indianapolis 'Journ  
of the Indianapolis,  
and other prominent  
country need not feel  
orders are due to the  
their competitors  
than they do, for t  
works, with its \$3,0  
month manufacture  
freight cars.

Judge Gresham,  
postmaster general, h  
rectly operated mo  
any judge in the wo  
at Indianapolis there  
ing continually; for  
years, a large num  
and during the proc  
erty has been opera  
rection of the court  
ceiver now reports t  
the I. B. & W., I. O.  
C. & I. O., and n  
sold under its direct  
its approval.

The change of tim  
the I. & St. L. this  
arrive and depart h  
East bound—No. 1  
6:55 a. m.; No. 4,  
4:17 p. m.

West bound—No.  
No. 7:20 p. m. N.



and right fields respective-  
and Hepp will do the bat-  
-or the Blues.

#### Ministers' Action.

Ministerial association has  
the following resolutions:

There is a manifest and  
anxiety among certain classes  
ward a desecration of  
notably in Sunday base

As ministers and repre-  
of the various religions  
of the city, we desire to  
elves on record as firmly op-  
dececoration, not that we  
healthful and entertain-  
of base ball playing if in-  
on any other day than the

Resolved, 1st. That we  
upon all young men to do-  
gaging in this sport on  
2d. That we call upon all  
ho are interested in the  
on of the Christian Sabbath  
ligious liberties of the peo-  
dup by civil law, to assist  
ossible way in discouraging  
d of Sunday desecration.

ALFRED KUMMER,  
CHAS. P. CROFT,  
SAMUEL BECK,  
T. A. CLANCY,  
H. O. BREKIDEN,  
J. K. WICKLEN,  
THOS. PARRY.

BALTIMORE  
..... 7 Baltimore..... 2  
PHILADELPHIA  
..... 8 Athletics..... 1  
DAYTON  
..... 27 Dayton..... 1  
PITTSBURG  
..... 8 Toledo..... 1

April 21.—The Chicago  
ark will be thrown open for  
this afternoon and it is de-  
ces the finest apportion-  
rounds in the country  
e sport. The seating ca-  
been increased to 10,000 and  
lations for 8,000 under cover  
provided. One of the ex-  
tatives is the erection of a  
private boxes and stables.  
and dollars have been ex-  
improvements.

#### E CITY'S HEALTH.

and Rheumatism the Pre-  
valing Diseases.  
several weeks past the board  
have become aware of the  
e of measles in this city, and  
ated that there are at present  
e cases. The majority of  
among the students of the  
chool. An Express reporter  
eading physician last night  
e disease mentioned was  
come an epidemic, or was  
atal in many of the cases. He  
had been but three deaths  
since the disease had become  
lent, and that with the  
are there was nothing  
red from measles in such

added the physician, "you  
that there has been more  
am in this city this spring  
ve heard of for a number of  
it is a disease that is no re-  
age, sex or condition and  
e have been numerous. I at-  
great measure to the mis-  
er we had in March.  
a wet blanket to the most  
eason we have had here for  
years. We have had some  
ere pneumonia, diseases this  
nd some of the weaker per-  
e afflicted have died from the  
At the present death rate the  
r for 1883 will be expected that

a bill for whisky that the old woman  
presented. She used violent and abuse-  
ive language, and it was said made  
threats against his life.

The following Sunday morning Brock  
saddled his horse preparatory to leav-  
ing for his home, and returned to the  
house to bid the occupants good bye.  
This movement lost him his life, for  
while seated at the fire place in con-  
versation with one Alexander Mars,  
Dyas entered the door, and before  
Brock was aware of the latter's pres-  
ence, Dyas struck him in the back of  
the head with the blade of an axe  
that he carried in his hand. Mars who  
had noticed the entrance of Dyas, but  
was unware of his murderous inten-  
tions, when he witnessed the fatal  
blow fled from the room in fear of losing  
his own life. When Brock's body found  
it was discovered that he had been  
struck three times with the axe, one  
blow completely severing the spinal  
column. Either of the blows would  
alone have produced death.

Dyas, after completing his bloody  
work, fled to the woods, and an alarm  
was given by Mrs. Brady. When  
Mars fled from the house he had been  
stopped by the old woman, who ex-  
plained that he need fear no harm,  
but this did not satisfy him, and he  
concealed himself in the trunk of a  
hollow tree. From this place of con-  
cealment he saw Mrs. Brady emerge  
from the house, and going to a corner  
of the rail fence, change the dress  
which she wore and which was cov-  
ered with blood, for a clean one.  
She then gave an alarm, and the news  
of the crime being noised around, a  
crowd soon assembled. Dyas had  
concealed himself in the woods, but a  
guard was placed around his house,  
and that night or the following morn-  
ing he was captured, having stolen  
into the house for the purpose of  
procuring something to satisfy his hun-  
ger.

Many conflicting stories were told of  
the crime, and several of the rough  
crowd which frequented Mrs. Brady's  
were implicated by these reports. But  
the generally accepted theory was that  
Mrs. Brady, victim by Brock's refusal  
to pay his whisky bill, offered Dyas a  
horse if he would kill the  
cattle drover Alexander Mars,  
was the only witness to this horrible  
crime and on his testimony Dyas' con-  
viction was secured. Mars is still liv-  
ing on the old Smock place, near Fort  
Harrison, and several years back,  
"Old Aleck," as he was commonly  
known, was one of the most familiar  
figures on the streets in the north part  
of the city. A small and dried-up old  
man he could be seen on the streets,  
under the influence of liquor, as he  
usually was when in town, the  
butt of the ridicule of the crowd of  
small boys, who with their boyish  
proclivities, had little respect for his  
age, or pity for his condition.  
Of late years, however, "Old  
Aleck," weakened by his burden  
of years has been a less familiar  
figure. Occasionally, however, he ap-  
pears on the streets. He is but slight-  
ly changed in appearance from that of  
ten or twelve years ago, and the boys  
who then tormented him, and now  
grown to manhood and ashamed of  
their boyish behavior are ready to pro-  
tect the decrepit old man from the  
jeers and ridicule of the crowd of boys  
that his appearance is bound to as-  
semble. The old fellow when sober  
will have nothing to say of the murder  
in which he played such a prominent  
part, but with his memory freshened  
and his tongue loosened by a draught  
of the liquid that has proved the bane  
of his life will narrate the events of  
the crime as above set forth.

As has been said before, several per-  
sons were reported to have been impli-  
cated in the crime, but this was not de-  
veloped in the testimony at the trial.  
It was a matter of universal consent,  
however, at that time that one of the  
witnesses, Ann Fenton, whose name  
was mentioned in this connection  
was "want only" during the pro-  
cess of the trial, and remained

who had gone to that place with mili-  
tary pomp and authority to persecute  
the Christians and lead the apostles  
captive to Jerusalem, is seen preaching  
Christ in the synagogues. What must  
have been the astonishment of the Jews  
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years, He still possessed the power to  
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placed in him by the Sanhedrim. It  
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at first.

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speak. Whether he gave his own ex-  
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had studied the Scriptures with a view  
to deny Christ, and now that he was  
convinced that this was not success-  
fully to be done he was well prepared  
to show why it could not, and that the  
prophecies of the Old Testament con-  
cerning the coming of Messiah had  
been fulfilled in the life of the man  
Jesus. He was a great power to the  
new church and a dangerous opposing  
force to the priests. They recognized  
this and set about to kill him, but this  
was not until his return from  
the desert where he spent several years  
in careful study, but of which Luke  
does not here give an account. Paul,  
however, speaks of this himself in his  
Epistles to the Corinthians. When he  
returned to Jerusalem he began again  
preaching Christ, and the priests took  
counsel to kill him.

Here was another romance in Saul's  
history. To the flesh it must have  
been somewhat mortifying for this  
bold, dashing hero, who had gone with  
military escorts to Damascus to arrest  
defenseless Christians, not to find  
himself beset by his old allies, who  
were watching by day and night to  
kill him, and saved by those whom he  
had meant to destroy, being ignom-  
inously let down in a basket from some  
humble habitation in the walls of the  
city. He was then taken to Cesarea,  
and sent forth to Tarsus to preach to  
the gentiles.

Because Saul, as soon as converted,  
began preaching Christ, it does not fol-  
low that every new convert shall feel  
called upon to become a teacher. The  
times and the conditions of the people  
are different. Then there was com-  
paratively little belief in Christ, and  
he was looked upon as an impostor. It  
was becoming that every man who had  
been converted should go to those who  
were not and try to convince them of  
His reality as the Son of God. Then  
Saul was a man learned in theology,  
and not a novice. He was a man of  
mature mind, and thoroughly com-  
petent for a teacher. Now the religion  
of Christ predominates, and everybody  
has heard of Jesus. We want teachers  
who are able not only to give ex-  
perience but to teach of the details.  
Neither, does it prove that the  
preacher must in all cases be specially  
appointed and ordained by men for his  
work. Paul was not. We have no ac-  
count of any special service to license

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Tuesday.

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meets at Third and Ohio streets to-  
morrow night.

The Young Men's Republican Club  
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To the Editor of the Express.

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friends are in earnest in this matter  
and while I am obliged to them for the  
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say that all such statements have been  
made without my knowledge or con-  
sent, and that I am under no condi-  
tions a candidate. The business in  
which I am engaged requires my en-  
tire time and attention, and I am sure  
there are several better qualified to  
select from, who are both ready and  
willing to serve.

WM. H. ARMSTRONG.

#### SOLDIERS' GRAVES.

Requisitions for Eighteen Gravestones  
for Soldiers Buried in Woodlawn.

There are two hundred or more vet-  
erans of the late war buried in Wood-  
lawn, and the G. A. R., has been en-  
deavoring for some time to secure a  
list of these, with the name of regi-  
ment and company, the date of the en-  
listment, discharge and death. The  
following list has been secured  
with date of death, and forward-  
ed to the adjutant general, who  
will make a requisition on the govern-  
ment for appropriate gravestones:

Archer, Samuel, private, Co. C, 68th  
Mass, (col.); Jan. 24, 1862.  
Armstrong, German, E. lieutenant, U. S.  
colored regiment; June 27, 1862.  
Brooks, John, corporal, Co. C, 133d Ind.;  
Oct. 19, 1861.  
Bail, Geo. W., surgeon, 43d Ind.; June 9,  
1872.  
Brown, Z. H., private, Co. H, 71st Ind.;  
June 1873.  
Combs, G. H., private, Co. I, 5th Ind.  
cav.; July 17, 1862.  
Collier, Owen, private, Co. M, 6th Ind.  
cav.; July 4, 1871.  
Harper, Warren, lieutenant, Co. A, 2d  
Ind.; July 14, 1871.  
Hendricks, Jesse H., corporal, Co. C, 25th  
Ky.; Aug. 30, 1872.  
Hendrick, James A., Co. C, 50th Ind.;  
April 14, 1861.  
Hood, David, 7th Ind. battery; July 4,  
1867.  
Hood, James, 7th Ind. battery; March 11,  
1864.  
Henderson, Geo., 20th Ind.; May 12, 1861.  
Rehmann, Henry, Co. D, 4th Ind.; Aug.  
2, 1872.  
Hewitt, Geo., Co. E, 7th Iowa; Dec. 8,  
1862.  
Wenand, Chas. F., Co. F, 11th Ind.; Oct.  
14, 1871.  
Lough, Samuel, private Co. G, 2d Ind.;  
Oct. 24, 1862.

#### THE SITE COMMISSIONERS.

Modern Builders and Workmen Will Visit  
the City Tomorrow.

J. H. C. Roys received a letter from  
W. H. H. Miller, of Indianapolis, yes-  
terday, saying that himself and Geo.  
B. Williams would be here to-morrow

his freight No. 18 of  
foot badly crush-  
coupling in the yar-  
terday.

A special to the  
Democrat from De-  
strong, probability  
offices of the Illin-  
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The Bee Line sta-  
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where it will be us-  
grades.

Indianapolis Jour-  
of the Indianapolis  
and other promine-  
country need not f-  
orders are due to t  
their competitors  
than they do, for  
works, with its 3  
month manufactu-  
freight cars.

Judge Gresham  
postmaster general,  
rectly operated n  
any judge in the  
at Indianapolis for  
ing continually; for  
years, a large num-  
and during the pi-  
erty has been ope-  
rection of the con-  
ceiver now reports  
the I. B. & W., I.,  
C., C. & I. O., and  
sold under its dire  
its approval.

#### I. & M. L. CO.

The change of t  
the I. & St. L. th  
arrive and depart  
East bound—No  
6, 7:55 a. m.; No.  
4:17 p. m.

West bound—N  
No. 7, 7:20 p. m.;  
No. 3, 1:55 p. m.

The new passen-  
on between Paris  
will be in charge  
Knowles.

#### Fatal Accident

Special to the Expr-  
VINCKNER, Ap-  
man by the nam  
was run over by a  
and instantly kill-

Considerable di-  
experienced in s-  
tubbles by spring  
ly loosened by pe-  
over the field, wh-  
loosened by frost,  
over. The gain t  
ley crop follows  
the expense.

Many so-called  
on quince stock a-  
but are simply the  
roots from being  
The quince root is  
localities where  
should always be  
the quince likes  
much may be let  
lowing morning.

If sheep-killing  
the slight reduc-  
wool, would be  
grown. The I  
cure are enormous  
or locality trees  
loosen it never fall  
not torn by th  
frightened by th  
ly thrive well the

Top dressing  
manure, is of do-  
the clover plant,  
sustained by a  
leaves. It may  
clover is to be s-  
a sort of potato  
best time to man-  
is sown. A ver-  
then will produce



# WHEN TERRE HAUTE

## Some Public Bills of That Day Afford Interesting Contrasts

By A. R. Markle.  
XXVI.

### THE OVERSEER OF THE POOR.

Pioneer days had the same problems that we have today but had different methods of caring for them, more notable possibly in the care of the poor and destitute.

Orphan children, in many cases, were taken in by neighbors who "raised" them as they did their own but where no volunteer appeared to care for the helpless child, the care fell upon the township trustee by virtue of his office and he either asked for bids for the care of the child and boarded it out with the lowest bidder or bound it out for the period of its minority.

In one instance in another Indiana county, the elder sister of a two-year-old child bid it in at five cents a week in order that she might not be separated from it, she being eighteen herself and capable of maintaining it in the home where she was then living.

The county poorhouse at that early day was let to the lowest bidder and we may fancy if we can the degree of care taken of those unfortunate enough to be committed to the tender care of the successful bidder.

By an early law of the state, the township trustee was ex-officio the overseer of the poor, sometimes alone, often in connection with another responsible citizen of the community.

Among those who held the office in the years preceding the civil war and whose records alone seem to have been preserved even in part, was Albert Lange, father of the late Mrs. George Hebb and for whom one of the city schools has been named.

The papers which have been found are few in number but of particular interest because of their detailed account of some examples of the diversity of work performed and because of an episode out of which they grew.

### One Citizen Less.

In the spring or early summer of 1844, Samuel Dias killed a man during a quarrel at an unsavory resort in the northern part of the county and in sharp contrast to our more modern methods the bill of the sheriff of Vigo county shows but \$9.75 as the total cost "to board" Samuel Dias from June 6 to July 1, 1844, 30 days, \$9.37½. Discharging same 27½¢. Total, \$9.75."

The bill does not show it, but the discharge was at the end of a rope on a scaffold in the midst of a large and well satisfied assembly of your best families.

And so among the accounts of Albert Lange we find the bill of John Burton, itemized as follows:

1844—June 20, to digging grave, horse, taking corpse for J. Dean, \$2.25.

June 30, to digging grave, horse, taking corpse for Patrick Sullivan, \$2.25.

July 6, to hauling Mrs. Fletcher's plunder from 8 mile house, \$1.75.

Aug. 13, digging grave, horse, to take the corpse of Garrigus Thomas, \$2.25.

Aug. 17 to digging grave, horse, to take the corpse of Eliza Dodd, \$2.25.

Aug. 22, to two horse wagon and driver, to remove Elizabeth Dodd to Bainbridge in Putnam county, three days at \$2.50

Total, \$7.50—\$18.25.

I hereby certify the above bill to be correct.

Sept. 2, 1844.

ALBERT LANGE, overseer."

Lang also approved another bill rendered at this time:

"Terre Haute, 1844.

The county of Vigo to Z. Gapen, Dr.

June 20th, to making one coffin (for John Dean), \$5.00.

June 29th, to one coffin for Patrick Sullivan, \$5.00.

July 9th, to making coffin for James Twilley, \$5.00.

Aug. 17th, to making coffin for child (E. Dean), \$2.00—\$17.00.

The above bill is correct.

Sept. 2, 1844.

ALBERT LANGE, overseer."

And on the same sheet Gapen renders another bill:

The county of Vigo to Z. Gapen, Dr.

July 5th, to making Samuel Dias coffin, \$5.00.

I certify that the foregoing bill for a coffin for Samuel Dias is correct.

Sept. 2, 1844. WM. RAY, Sheriff.

By M. M. HICKCOX, Deputy.

And a final note is sounded by a bill of Orren Dowdy, the trustee of Fayette township: "Boarding Susanah Dias and child, with medical aid, 31 days at 50¢ per day, \$10.50.

Two more examples of the labors of the overseer still exist and are self-explanatory:

"The County of Vigo to John Davis, Dr. 1845—June 21 to June 23, Taking care of and nursing one afflicted with smallpox whereof he died, \$7.00; digging grave in the night, burying and burning up all things by which infection might be spread, \$3.00—\$10.00.

"I hereby certify this bill to be correct.

"June 23, 1845.

"ALBERT LANGE, Overseer."

That the overseer had been fully occupied during the same period is shown by the final paper of this collection:

"The County of Vigo to Albert Lange, Dr.

## He Stopped Whiskey!

By John's Wife

For the happest little woman  
In all this little town;  
And my merry laugh and singing  
Takes the place of sigh and frown.  
For JOHN HAS QUIT HIS DRINKING  
And is like himself once more.  
And the world is just a paradise  
With such happiness in store!



One day I read some verses—  
"Mary's Miracle," the name,  
And I said, that's John exactly.  
And I'll send and get the same.  
So I sent for GOLDEN TREATMENT.  
(As easy as sly could be)  
And I put it in John's supper  
And I put it in his tea.  
And it didn't taste a little bit  
Had no odor, so, you see—  
It was smoothest kind of salting  
For little Doctor Me.  
And I watched and prayed and waited,  
(And cried some, too, I guess),  
And I didn't have the greatest faith,  
I'm ashamed now to confess.  
And John never thought a minute  
He was being cured of drink,  
And soon he's as well as any one.  
It makes me cry to think!  
Just makes me cry for gladness,  
I'm so proud to be his wife—  
Since he's cured of drinking,  
And leads a nice, new life.  
"Since John he quit a-drinking,  
I can't say it times enough!  
And hates and loathes a liquor  
As he would a poison stuff.  
And when I say my prayers at night  
As thankful as can be—  
I pray for John the rest of all—  
Then GOLDEN TREATMENT.

## Home Treatment for Drunkards

Odorless and Tasteless When Used as Directed  
—Any Lady Can Give It Secretly at Home  
in Tea, Coffee or Food

## Costs Nothing to Try

If you have a husband, son, brother, father or friend who is a victim of HONOR, send your name and address on the coupon below. It has helped many and should be just the thing you want. You may be thankful as long as you live that you did it.

### Free Treatment Coupon

Fill in your name and address on blank lines below. Then cut out this coupon and mail it to Dr. J. W. Haines Co., 310 Glenn Bldg., Cincinnati, Ohio. You will receive a package of the Golden Treatment, as described above in a plain sealed wrapper, absolutely FREE.

Name \_\_\_\_\_  
St. Address \_\_\_\_\_  
or R. F. D. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_

dead, and to bury, consume by fire and purify everything, which had been in contact with or in the atmosphere of the sick man, will be but poorly compensated by the above charge of \$10.

The following cash expenses were also incurred by me in the same case, to wit: Matches, 6¢; castle soap, 6¢; dried beef, 27¢; broom, 10¢; butter and plate, 25¢; bread, 12½¢; to John Davis, to enable him to absent himself from town, \$1.55.

# H GR



## As an indicator

### Make of Car

Ford '25 to '27, Chevrolet '25 to '27 . . .	2
Chevrolet '29 . . .	2
Ford '28-'29, Chevrolet '28 . . . . .	3
Ford '30-'31, Chevrolet '30-'31, Plymouth '30-'31, Whippet '27 to '30	2
Chrysler '27-'28, Plymouth '29, Pontiac '26 to '28 . .	2
Chrysler '30, Dodge '28 and '30-'31, Essex '30, Whippet '29, Pontiac '29-'30, Nash 30 . .	2

No motorist need worry or danger

Terre Haute Tribune 9-20-1931 p.10



were taken in by neighbors who "falsed" them as they did their own but where no volunteer appeared to care for the helpless child, the care fell upon the township trustee by virtue of his office and he either asked for bids for the care of the child and boarded it out with the lowest bidder or bound it out for the period of its minority.

In one instance in another Indiana county, the elder sister of a two-year-old child bid it in at five cents a week in order that she might not be separated from it, she being eighteen herself and capable of maintaining it in the home where she was then living.

The county poorhouse at that early day was let to the lowest bidder and we may fancy if we can the degree of care taken of those unfortunate enough to be committed to the tender care of the successful bidder.

By an early law of the state, the township trustee was ex-officio the overseer of the poor, sometimes alone, often in connection with another responsible citizen of the community.

Among those who held the office in the years preceding the civil war and whose records alone seem to have been preserved even in part, was Albert Lange, father of the late Mrs. George Hebb and for whom one of the city schools has been named.

The papers which have been found are few in number but of particular interest because of their detailed account of some examples of the diversity of work performed and because of an episode out of which they grew.

#### One Citizen's Case.

In the spring or early summer of 1844, Samuel Dias killed a man during a quarrel at an unsavory resort in the northern part of the county and in sharp contrast to our more modern methods the bill of the sheriff of Vigo county shows but \$9.75 as the total cost "to boarding Samuel Dias from June 6 to July 1, 1844, 30 days, \$9.37 1/2. Discharging same 37 1/2 c. Total, \$9.75."

The bill does not show it, but the discharge was at the end of a rope on a scaffold in the midst of a large and well satisfied assembly of our best families.

And so among the accounts of Albert Lange we find the bill of John Burton, itemized as follows:

1844—July 5. To hearse and horse and digging grave for Dias and burying him, 11 miles, \$5.00

Other items on Burton's bill are: 1844—July 23. To one day horse cart, two men of courthouse, \$1.50.

August 2. To mowing courthouse yard of brush, \$1.50.

Aug. 10. To cleaning out courthouse, \$1.50.

To cleaning out courthouse yard, raking up, \$1.50—\$11.00.

I hereby certify the above bill to be correct as to the first item.

Sept. 2, 1844. WM. RAY, Sheriff.

I certify that the three last charges are right charges, little large.

C. T. NOBLE.

Sept. 2, 1844. Burton also rendered another bill on the same sheet of paper which was filed by Lange as follows:

\$2.25.

Aug. 17 to digging grave, horse, to take the corpse of Eliza Dodd, \$2.25.

Aug. 23, to two horse wagon and driver, to remove Elizabeth Dodd to Bainbridge in Putnam county, three days at \$2.50

Total, \$7.50—\$12.25.

I hereby certify the above bill to be correct.

Sept. 2, 1844.

ALBERT LANGE, overseer."

Lange also approved another bill rendered at this time:

"Terre Haute, 1844.

The county of Vigo to Z. Gopen,

Dr.

June 20th, to making one coffin

(for John Dean), \$5.00.

June 29th, to one coffin for Patrick Sullivan, \$5.00.

July 9th, to making coffin for James Twilley, \$5.00.

Aug. 17th, to making coffin for child (E. Dean), \$2.00—\$17.00.

The above bill is correct.

Sept. 2, 1844.

ALBERT LANGE, overseer."

And on the same sheet Gopen renders another bill:

The county of Vigo to Z. Gopen,

Dr.

July 5th, to making Samuel Dias' coffin, \$5.00.

I certify that the foregoing bill for a coffin for Samuel Dias is correct.

Sept. 2, 1844. WM. RAY, Sheriff.

By M. M. HICKCOX, Deputy.

And a final note is sounded by a bill of Orren Dowdy, the trustee of Fayette township: "Boarding Susannah Dias and child, with medical aid, 31 days at 50c per day, \$15.50.

Two more examples of the labors of the overseer still exist and are self-explanatory:

"The County of Vigo to John Davis, Dr. 1845—June 21 to June 23. Taking care of and nursing one afflicted with smallpox whereof he died, \$7.00; digging grave in the night, burying and burning up all things by which infection might be spread, \$3.00—\$10.00.

"I hereby certify this bill to be correct.

"June 23, 1845.

"ALBERT LANGE, Overseer."

That the overseer had been fully occupied during the same period is shown by the final paper of this collection:

"The County of Vigo to Albert Lange, Dr.

"1845—June 21, 22, 23 and July 18. To services rendered in the case of Lemuel Hill, who was afflicted with and died of smallpox, \$10.00."

With regard to this charge it is proper for me to state, that every minute of my time from Saturday night, June 21, to Monday morning, June 23, including two whole nights, was exclusively occupied and consumed in the discharge of the arduous duties and responsibilities, which developed on me as overseer of the poor. My anxiety of mind, to scrupulously and minutely adopt such measures as would remove all danger of contagion and to free the minds of our people from the fear thereof, to administer at the same time to the wants of the sick man, to push and accelerate his burial, when



One day I read some verses—  
"Mary's Miracle," the name,  
And I said, that's John exactly,  
And I'll send and get the same.  
So I sent for GOLDEN TREATMENT.  
(As shy as shy could be)  
And I put it in John's supper  
And I put it in his tea.  
And it didn't taste a little bit  
Had no odor, so, you see—  
It was smoothest kind of eating  
For little Doctor Me.  
And I watched and prayed and waited,  
(And cried some, too, I guess),  
And I didn't have the greatest faith,  
I'm ashamed now to confess.  
And John never thought a minute  
He was being cured of drink,  
And soon he's as well as any one,  
It makes me cry to think!  
Just make me cry for gladness,  
I'm so proud to be his wife—  
Since he is cured of drinking,  
And leads a nice, new life.  
"Since John he quit a-drinking"  
I can't say it times enough!  
And hates and loathes a liquor  
As he would a poison stuff.  
And when I say my prayers at night  
As thankful as can be—  
I pray for John the most of all—  
Then GOLDEN TREATMENT.

### Home Treatment for Drunkards

Odorless and Tasteless When Used as Directed  
—Any Lady Can Give It Secretly at Home  
in Tea, Coffee or Food

### Costs Nothing to Try

If you have a husband, son, brother, father or friend who is a victim of liquor, send your name and address on the coupon below. It has helped many and should be just the thing you want. You may be thankful as long as you live that you did it.

#### Free Treatment Coupon

Fill in your name and address on blank lines below. Then cut out this coupon and mail it to Dr. J. W. Haines Co., 310 Glenn Bldg., Cincinnati, Ohio. You will receive a package of the Golden Treatment, as described above in a plain sealed wrapper, absolutely FREE.

Name \_\_\_\_\_  
St. Address \_\_\_\_\_  
or R. F. D. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_

dead, and to bury, consume by fire and purify everything, which had been in contact with or in the atmosphere of the sick man, will be but poorly compensated by the above charge of \$10.

The following cash expenses were also incurred by me in the same case, to wit: Matches, 6c; castle soap, 6c; dried beef, 37c; broom, 10c; butter and plate, 25c; bread, 12 1/2 c; to John Davis, to enable him to absent himself from town, \$1.55; one shirt, \$1.00; two pairs of pantaloons, \$2.50; to Patrick Sullivan, \$1.00; making a total of \$7.01.

July 3—Overseer's services in the case of D. Holmes, \$1.00.

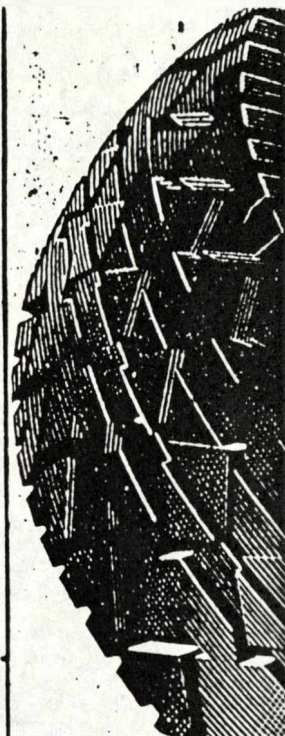
Aug. 18.—same as above, Eliza, colored girl, \$1.00—\$19.01.

#### Public Spirited Pioneer.

Born in 1801, Albert Lange lived to serve Terre Haute and Vigo county through the serious days of their growth in the days of the coming of the canal and the steam boat and of their passing away from the competition of the railways, which he saw built into Terre Haute, and died in 1869, to be laid in Woodlawn with so many others of our pioneer builders.

A grandson bears his name and the city which he helped to bring into its own has engraved his name on one of the schools of a system he did much to create, a public servant, an honest man, a noble citizen, Albert Lange, overseer of the poor.

RED MEN NOTES



### As an indica

#### Make of Car

Ford '25 to '27, Chevrolet '25 to '27 . . .	2
Chevrolet '29 . . . . .	2
Ford '28-'29, Chevrolet '28 . . . . .	3
Ford '30-'31, Chevrolet '30-'31, Plymouth '30-'31, Whippet '27 to '30 . . . . .	2
Chrysler '27-'28, Plymouth '29, Pontiac '26 to '28 . . . . .	4
Chrysler '30, Dodge '28 and '30-'31, Essex '30, Whippet '29, Pontiac '29-'30, Nash 30 . . . . .	4

No motorist need worry or danger tires these days.

No motorist need unknown or off-omy's sake.

Pathfinder, value that. Just look at

Despite the fact



Terre Haute Tribune 9-26-1931 p.10



AFTER 1860 THE SITE AT THIRD AND OHIO STREET BECAME SELECTED LOCATION OF COUNTY SEAT.

By A. R. Markle.

LXXXVII.

### THE ORIGINAL COURT HOUSE.

Vigo county is not alone in the fact that she has had at least three court houses in her existence, but she is rather unique in that she has never lost one of them by a fire as is only too true of so many of our Indiana counties.

Almost her first act as a civil organization was the acquisition by her commissioners of the public square together with certain other real estate and some cash and bonds as the consideration for which the town of Terre Haute became the seat of the new county called Vigo.

The agreement called for 48 lots in the new town and 22 more in addition to be laid out to the south of Swan street, from Water to Fifth, \$3,775 in bonds given by purchasers of lots at the first sale by the proprietors and a draft for \$1,000 on their agent, John Owens, payable in 60 days.

This agreement was made on March 21, 1818, and in the Western Sun, published at Vincennes on April 11, 1818, there appeared two advertisements, the first announcing the sale to be held on the 20th of May, by order of the commissioners of Vigo county, of 70 lots in the town of Terre Haute. A credit of six, 12 and 18 months was to be given for which the purchasers were to furnish approved security.

At that time, the advertisement stated, the town contained about 20 houses and a number of excellent mechanics and the sale was to commence at 9 o'clock on that morning.

The second advertisement stated that proposals would be received until the 20th of April next for building a "Court House and Goal."

The court house was to be built of brick and 55 feet square, a bond with sufficient security would be required of the contractor and the notice was signed by John Hamilton, Isaac Lambert and Edra Jones as commissioners and was dated Fort Harrison, March 31, 1818.

### First Tidings of Jail.

No description of the proposed jail was given and when and where it was erected is unknown except that on the tenth of November, Henry Redford was paid \$60, and two and a half years later on March 5, 1821, another \$243, the entries in the old cash book being balanced by an item under the later date "By building county jail \$303."

If, as tradition has it, the first jail was a simple log structure, the first payment should have covered its cost, but the later item of payment and the balancing entry would indicate but one contract so that Redford may have taken so long to complete his first contract.

The contract for building the court house seems to have been awarded to Brocklebank and Hovey from the fact that they were paid during the period beginning with June 7, 1818, and ending with January 25, 1822, a total of \$5,894.92, which is itemized as "By Amt in part for buildg Cot House."

Hovey lost his life while engaged in building the roof, and Brocklebank continued the work for which

balance on hand of \$2,363.98. August 18 he still had a balance of \$40.22 and his final settlement made November 8, 1826, required an order for \$17.87 to balance the account, he having paid out \$58.09 on a judgment recovered against the county.

The money thus received by the treasury was divided by Adrew Brooks into four funds, the general fund, the public building fund, the seminary fund and the road fund, each of which was set aside for specific purposes and Brooks as the treasurer of Vigo county, paid out of the general fund between March 26, 1818 and November 9, 1819, \$1,356.32, and received for his service \$62.32 while there was due him from the treasury to balance the account \$270.67.

From the public building fund he had paid \$5,231, received \$272.95% for his percentum and had \$183.17% still on hand.

The seminary fund had paid out to the trustee \$124.65, the total balance outside of his \$6.47% for his services and from the road fund there had been paid only his percentum of \$9.09%, leaving a balance there of \$354.84% to carry on.

A year later on settlement he had paid \$1,050.46 from the general fund, received \$45.49% for his services and had a balance of \$333.01% due him from the fund. The public building fund had paid out \$806.87%, had a balance of \$142.83 after his allowance of \$40.34%. The seminary fund had disappeared from the books, having been placed with Robert Sturgus, the trustee for the seminary and the road fund had expended nothing but his percentum, having then a balance of \$193.92 after his deduction of \$160.92 for himself.

### Treasurer's Report.

In March, 1821, Thomas H. Clarke, treasurer, reported receipts of the public building fund as \$1,128.05 and during the year sufficient to make the balance Nov. 12, \$3,044.26 after deducting his allowance of \$59.22.

During 1822 there was paid out of this fund \$2,496.25, \$255.18 was due the treasurer and a balance remained of \$30.30. Only \$81.72 was drawn from this fund in 1823, the treasurer collected 81% cents for his pay and a balance remained of \$355.61.

In 1824 the withdrawals amounted to \$190.58 and the treasurer got but \$3 and again the budget refused to balance, there being \$522.82% due the fund on Jan. 1, 1825. From this time the public building fund is unheard of and the cost of any additional work on either the court house or the jail must have been paid from some other fund not named.

We know that the building was not a fundamentally sound one, that repairs were necessary almost before it was complete, if indeed it can be said to have ever been completed.

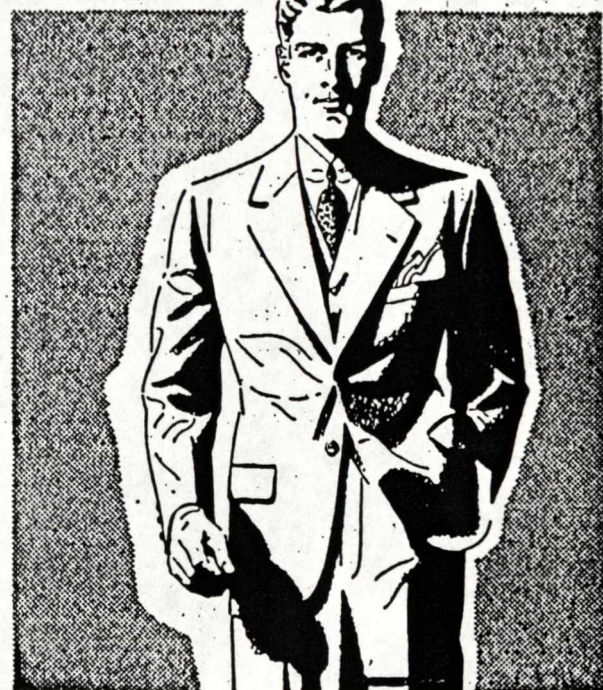
The courts met on the first day at the house of Truman Blackman and adjourned to meet the next day at the house of Henry Redford in Terre Haute, that old tavern, the Eagle and Lion, being their place of holding court for some time.

Later entries show the court sitting at various houses.

# CARL WOLF



## KUPPENHEIM



## FALL SUITS O'COATS

\$25 and  
up

## CARL WOLF SUITS, O'COATS

\$15 and \$20

When Terre Haute Was Young  
Site Awarded For First Court House

11-13-1937 p.14

Terre Haute Tribune



part for buildg Cot House."

Hovey lost his life while engaged in building the roof, and Brocklebank continued the work for which he received orders on the treasury in his favor, a judgment assigned and an order "to McFadden," a total of \$2,348.91 more, the balancing item being an amount awarded by arbitrators and interest amounting to \$561.32.

In addition to the sums paid to the firm and its surviving partner there was paid to John M. Colman in four payments dated May 22, June 29, Aug. 19 and Oct. 24, a total of \$1,905.04 for building foundation walls of the court house.

William Walker received in three payments under date of May 10, May 14 and August 28, 1819, a total of \$400 for stone window caps and sills for court house and under date of May 22, August 12, December 3, of 1818, and May 3 and November 10 of 1819, \$2,985.54 for building the walls of the court house.

Here is a grand total of \$14,-\$34.41 for the construction of the original court house of Vigo county, a large sum of money for that day and while it was spread over quite a long period of time, it must have been a heavy burden to the treasury.

The county had received the lots, bonds and cash by its agent, Lucius H. Scott, who charged himself on May 22, 1818, with the amount of the sale of lots, \$12,773.75 and \$3,775.00 in bonds and for this amount he charged the county as he paid various amounts into the treasury from August 21, when he paid in \$998.56 until August 16, 1821, when he paid in \$2,644.04 and acknowledged having in his hands a balance \$5,754.27.

#### First Public Funds.

February 13, 1822, on a settlement with the county he was allowed \$692.30 for his services and had a

little maute, that old tavern, the Eagle and Lion, being their place of holding court for some time.

Later entries show the court sitting at various houses, more often than not at this same Eagle and Lion, but under the names of various landlords, Robert Harrison, Israel Harris and others, but on occasion at the house of Dr. Modest.

Not until May 4, 1825, did the commissioners adjourn after calling to order and then formally adjourn to meet for the first time at the new court house.

It seems to have been a popular meeting house for the early church and school meetings, for we read of preaching there at times, advertisements of school to be taught there, public meetings of various kinds and purposes and finally on August 11, 1829, the commissioners issued a formal order, "William Ramage, the person appointed to take charge of the court house is hereby instructed not to permit night meetings, or schools of any kind, to be held in the court house."

#### Masonic Meeting Place.

In an old order book under date of January 26, 1826, permission is given the Masonic lodge to occupy the grand jury room for one year on condition that they buy a stove for the room.

The upper rooms had only then been finished by plastering and the roof had required patching, "corking and pitching" the summer before at a cost to the county of \$80 besides the materials, presumably the lath and plaster.

Here is the old building that stood from its completion about 1825 to 1868 when it was torn down, were held the courts of the County, Circuit, Probate and Common Pleas. Here were heard the pleas of the impassioned "spell binder" of the day, here the oratory that was so dear to the lawyer of the time, a day when men's fortunes rested with a jury that might be in the

course of a trial, swayed from one side to the other by men trained to use their voices, their minds and their knowledge of law and human nature, for or against justice according to which way the fee ran.

#### Some Notable Figures.

Here such men as Amory Kinney, Ned Hannegan, George Rogers, Clark Sullivan, Samuel Barnes Gookins, John P. Usher, Dick Thompson, Dan Voorhees held forth. Here, too, were heard the more quiet counsel of Demas Deming, John Jenckes, Randolph Wedding, Judge John H. Watson, Thomas H. Blake, General W. Johnston, Isaac Blackford, Nathaniel and Elisha Huntington, James Farrington, Woolsey Barbour, James Whitcomb, later a governor of Indiana, W. D. Griswold, later as was John P. Usher a builder of railroads, Blackford B. Moffatt and his father, James T., one time judge also.

Of the later men who lived well into our own years there were, beside Thompson and Voorhees, such men as Col. Nelson, Col. McLean, General Cruft, William K. Edwards and Harvey D. Scott.

In this old building was held the first notable murder trial of Vigo county, the case of Samuel Dias, who was tried, convicted and sentenced to death in 1840, the mandate of the court being carried out in July on Strawberry hill, the occasion being one of general sociability, the proceedings like the majority of such in that day and age being public and a cause for regret to those who could not be present.

Around 1830 there was a series of fires in the state that destroyed several court houses and lost many valuable records that could not be replaced and for this reason and because of the general decay evident in our own court house, agitation arose to secure a new and safer place for our records resulting as we have seen in the erection of a fire proof building for the clerk and recorder's offices.

#### Third and Ohio Site.

While it was intended to place this on the corner of the public square, the commissioners even after the letting of the contract to John Houdinot, were persuaded by the town council to join with the town in the erection of the town hall

in which the county should have the first floor for their own needs and the town the upper floor for a meeting place for the town council.

This served well for the purpose until 1865 when the state of the original building demanded some relief and steps were taken by the county to erect a court house at the northeast corner of Third and Ohio adjoining and covering the site occupied by the town hall and into this in 1865 the balance of the county organization moved abandoning the original court house which a few years later was removed entirely.

#### QUEEN OF ROSES



Winner over 11 contestants for the honor, Dorothy Edwards (above), blonde-haired, blue-eyed Pasadena, Cal., junior college co-ed, has been chosen queen of the coming Pasadena Tournament of Roses. The feature of the event is the national championship football game.

## NO MESS



●The "BLUE BLADE" is protected from rust. It is easy to clean—convenient to use. Join the hundreds of thousands of men who enjoy great shaving comfort.

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Terre Haute Tribune 11-13-1932



# THE WABASH COURIER.

JESSE CONARD, Editor.

TERRE HAUTE, SATURDAY, NOV. 18, 1893.

## FOR PRESIDENT, HENRY CLAY, OF KENTUCKY.

**VICE PRESIDENCY.**—The question as to the name to be selected for nomination for the Presidency by the Whigs we believe may be considered as settled. But one man is thought of by the whole voice of the Whig party.—**HENRY CLAY** is the only name. The next question of great importance is the Vice Presidency. Woful experience has taught Whigs the necessity of looking well to the name selected for that important station. Many names have been mentioned. The most prominent, however, may be considered the four following:—**JOHN DAVIS** of Massachusetts; **JOHN SERGEANT** of Pennsylvania; **JOHN M. CLAYTON** of Delaware, and **N. P. TALLMADGE** of New York. All very good—each one we presume well entitled to Whig confidence and support.

**FOREIGN NEWS.**—Some extracts of the latest Foreign news in our columns to-day will be found very interesting. **DANIEL O'CONNELL** it will be observed, has been arrested, with a number of others connected with the Repeal excitement. This is undoubtedly a high and strong move on the part of the Government. There is an issue now; the consequence of which can hardly be foreseen.—Whether favorable or unfavorable to the Repeal cause cannot at present be told. **O'CONNELL** is held to bail in the sum of £1000, with two securities in the sum of £500 each. The charge against him is that of conspiracy for the purpose of compelling her Majesty, by demonstrations of physical force, to change her measures and the laws of the realm, &c.

**WHIGS IN NEW YORK.**—A great Whig meeting has just been held for the City and County of New York. **Daniel Lord, Jr.** presided. The meeting was opened with nine cheers for **HENRY CLAY**. We will endeavor to publish the whole proceedings next week—for the present we extract two of the resolutions—

"Resolved, That animated by the infomitable spirit of our great leader, spurning all propositions to disband, or form coalitions with any portion of our enemies, and scorn-

**COURT.**—The Vigo Circuit Court, Judges **BRYANT**, President, **DICKERSON** and **JONES** on the bench, now in Session in this place, has been much engaged in the trial of criminal cases since Monday week last. The following we understand embraces the cases of trial and sentence to the present time:—

**State vs. James Gilleland**—Three cases of larceny. 1st. Stealing saddle, bridle, blanket and martingales; found guilty, fined \$1,00, imprisonment two years; disfranchised for two years.

2d. Stealing a horse—found guilty, fined \$1,00, imprisoned two years, disfranchised for two years.

3d. Stealing a horse—found guilty, fined \$1,00, imprisoned three years, disfranchised three years.

**State vs. Sampson**, (a negro) Larceny—found guilty, fined \$5,00, imprisoned five years.

**State vs. Wm. Vermillion**, Assault and Battery—found guilty, fined \$3,00 and costs, imprisoned 30 days.

**State vs. John Foster**, (negro) Larceny—found guilty, fined \$1,00, imprisoned two years—not sentenced—motion for new trial pending.

**State vs. Prior Foster**, (negro) Burglary and Larceny—found guilty, fined \$5,00, imprisoned five years.

**State vs. Danl. and Jacob Johnstings**, Larceny—found guilty, fined \$1,00, imprisoned 7 years, disfranchised and rendered incapable of holding office for ten years.

**State vs. Saml. Dias and Hannah Gilman**, indicted for murder of Brock.

These parties sever in their trial—and the case of **Dias** just commencing as our paper goes to press. Much business still on hand, on both the civil and criminal Dockets.

**TEXAS.**—Strange rumors are afloat in reference to affairs in Texas. The conduct of President **Houston** grows more and more suspicious. A short time must disclose something of interest in reference to this Country. The *New Orleans Tropic* of the 24th ult. contains a letter from a correspondent at Galveston, whose information is said to be derived from the very highest and most undoubted sources. The writer makes charges against President **Houston** of an extraordinary character—to which we can hardly give credence without further evidence. By another week we may have something more definite on the subject.

**FIRE.**—Sixteen houses were destroyed by fire at Rochester, N. Y. on the 3d inst.

of the Southern anti-Tariff Locos.' one candidate who is a 'Northern Southern principles,' now to balance you have a Southern man with North principles. I hope you won't be rem Punch and Judy or a pulling of the make the 'puppets' dance.

You ask, 'did Mr. Clay admit the father of the Tariff bill of 1824 mitted. Do you admit that Mr. V father, (oh, no, I believe he claim credit of originating many importa tures) that Mr. V B. voted for the bominations' the highest Tariff we the bill of 1828? 'Oh no! may transcendent modesty defer you' king such admissions.

Let me here say,—so that yo charge me with a lack of candor— Clay advocated a Tariff of Protecti our Manufactures were in their inf needed just such fostering care, just ceive any statesman would do who good of his country at heart. No Manufactures have taken 'deep r stand almost alone and need not suc sure of protection. He is now for and moderation in a Tariff, laying : so as to make a sufficient revenue f onomical administration of the Gen ernment and a discrimination of di may afford incidental protection. suffice?

You allude to many measures al you know originated with Mr. Clay reminds me of your side of the q what great measure do you attribu Van Buren? He was elected Pr sure but perhaps you would not I don't enough to say it was his popul no, the mantle of Elijah fell upon h ers—the wires were pulled and the danced. What to James Bucha thing about low wages? What to son? any thing but slaying a red m had forgotten the Mail Report. Wh Benton besides the mint-drop quest which depended the destinies of U He, too was once for Mr. Clay and American System with stentorian Now Mr. Penn (one of your ables says he is not fit for a leader and n to follow in the wake of others. N Mr. Clay. He is a leader the poe to honor, the architect of his own f the 'Mill boy of the Slashes' to t Senate, from the 'Farmer of Ashl highest office within the gift of the

But to conclude. My dear sir, very happy in the fortunate selecti detestable distich from 'James Crow doubtable colored gem'man) which pressed into your service. I hope y take it unkind in me if I recommen notice one line *only* of a more rece less renowned vaudeville—it is

"Go rock the cradle Lacy, and sing the c!



# THE WABASH COURIER.

JESSE CONARD, Editor.

TERRE-HAUTE, SATURDAY, NOV. 25, 1843.

## FOR PRESIDENT, HENRY CLAY, OF KENTUCKY.

PORK.—Something is said about \$2, per hundred, for good Hogs at this place. At Cincinnati, a correspondent of the *Louisville Whig* writes, that Hogs are coming in from the Licking Valley in great numbers, and sell at \$2.50 a \$2.62.

COURT.—We last week noticed that the trial of SAMUEL DIAS for the murder of GEO. BROCK was just commencing as our paper went to press. The trial progressed three days, and the prisoner found guilty of murder in the first degree.

THANKSGIVING.—By Governor BIGGER'S Proclamation, which we published last week, it will be recollected, that the citizens of Indiana are invited to observe Thursday, the 30th of November as a day of public Thanksgiving.

MR. ADAMS' VISIT TO CINCINNATI.—In another column will be found some extracts of the proceedings which took place at Cincinnati on the arrival of Mr. ADAMS. Great preparations were made for his reception, and the greeting most cordial. The ceremony of laying the corner-stone of the OBSERVATORY on Mount Auburn, took place on Thursday. And notwithstanding the rainy and unfavorable state of the weather, an immense crowd was attracted to the spot. While at Cincinnati, and before reaching that place, Mr. ADAMS received invitations to Louisville, St. Louis, and many other places—all of which he was obliged to decline. When waited upon by the Louisville Delegation, he replied that—"This very day he had received a cordial invitation from the city of St. Louis, which he was unable to accept. He had also received a warm and cordial invitation from his friend Mr. CLAY, who had invited him to his house. He did not feel it right to enter Kentucky, without he visited Mr. CLAY, which was impossible. He had also received an invitation from the city of Frankfort, through the hands of distinguished officers, and it was with regret, he found himself unable to accept their friendly invitations from the people of Kentucky; but from the beginning he was obliged to lay it down as a principle that he would not do so, but con-

### KENTUCKY WHIG CONVENTION.

A State Convention of the Whigs of Kentucky assembled at Louisville on the 13th inst.

The convention was large, and manifested the most fervent feelings for the great Whig cause.

The Hon. WILLIAM OWSLAY was nominated as the candidate for Governor, and ARCHIBALD DIXON, Esq., as the candidate for Lieutenant Governor.

Twelve gentlemen were appointed as electors for President and Vice President upon the Whig electoral ticket for the year 1844.

Twelve gentlemen were also appointed as Delegates to the Baltimore Convention.

Among the number who addressed the convention, we see the names of the Hon. Sherrod Williams, Hon. W. J. Graves, John A. McClung, Esq., Wm. F. Bullock, Esq., Rowan Hardin, Esq., John Helm, Esq., Pierce Butler, Esq., Gen. Metcalf, Gov. Poindexter, and Charles M. Thurston, Esq.

A number of spirited and excellent resolutions were adopted. We quote two.

*Resolved*, That the convention, whilst they rally round the great principles for which they are contending, and with which they believe the prosperity of our country inseparably connected, should not forget the great champion of those principles, and they now express their confidence and expectation that Henry Clay will be the nominee of the National Convention for the office of President of the United States, and under his banner, as our leader we will confidently march to victory and prosperity.

The other being for the benefit of Locofocos, we hope may be observed not only in Kentucky but through every State in the Union.

*Resolved*, That each Whig in Kentucky, be, and is hereby appointed a committee on to wait on his Locofoco neighbors, and invite them to come out from among the enemies of the country, and enlisting under the banner of Clay, Owsley and Dixon, march with us to victory and to glory.

### NEW YORK ELECTION.

The returns from the New York election are not even yet entirely complete. Both parties are claiming the victory. In the western part of the State, several counties have changed since the last election. Some favorable to the Whigs, and some a little the other way. In reference to the result, the *New York Tribune* remarks—"The State remains with our opponents, who have probably carried all the Senate but one, and fully two-thirds of the Assembly. Yet there have been almost every where decided Whig gains on the popular vote—gains in every county where any thing like a Whig effort was made. The heavy Locofoco majority of last year, is probably reduced one half without a serious push; can we not do the balance when we try next Fall? It strikes us we can."

For the Wabash Courier.

### BRITISH OPINIONS OF THE AMERICAN TARIFF.

It is not a little remarkable, that while a certain class of politicians in our own country are raising a hue-and-cry protection to the American man our transatlantic neighbors should coincide with them in opinion. I find an article from the London Morning Chronicle, which I will thank you to publish how the subject is viewed by the ex-British policy and British interest "trade" is the cry of the British man—and why? because the American is driving his fabrics from the market world. And "free trade" is the cry of the "democratic" press on this a water—and why? Because, say better for us, that we should have shops in England. Precisely so, British manufacturer, while he is asleep at the absurd notions of a politicians in reference to American

At length, however, he is coming to know the effect of the policy of Clay, as he raises a note of all countrymen and proclaims far and their only hope of retaining their the market of the world is to be immediate abandonment of the policy, in which they have so long been excluding the products of America their ports, by duties amounting to total prohibition. But they have their error too late. There was a by recognizing the rights of the colonies, and by wise and prudent John Bull might have retained his own. And there was also a time free trade, now so loudly demand might have saved him the American for his fabrics. But those times the things that were. Great Britain her true policy, and now, but for she sees her fatal error. She has brought into existence by her oppressed and encouraged by her making gigantic strides toward competition and equality, but the arts which render a people glorious, and truly independent.

What American heart does this state of things? And what it was that seized upon the anarchy and disunion in our own country, and the selfish policy of a and at one master stroke, cheer spirit of nullification in the south ed the selfish policy of that forced converted them into elements of pendency and prosperity for our Road the annexed article, and I our does not swell with patriotic is the country-man of CLAY American.

FROM THE LONDON MORNING CHRONICLE.  
The danger to which our trade is

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As found in Circuit  
Order Book # 6, Vigo County

#149 NOVEMBER TERM 1843

STATE OF INDIANA VS SAMUEL DIAS inpleaded with HANNAH  
GILMAN INDET for MURDER

Now Comes the attorney prosecuting the pleas of the state  
in this behalf as well as the defendant in person and by  
council AND the defendant being arraigned upon the indictment  
pleas not guilty thereto and to try the issue a jury is called  
to wit Eli RAGAN, Taylor Qieslow, CHARLES A Benning, CHARLES  
Twyforde, ENOS BARNES, William Waldon, CEPHAS S. BUDEN,  
JOSEPH McINTOSH, SAMUEL LEVETTE, THOMAS BAILEY, JEHU, FARR,  
JOHN McREESE, twelve good AND lawful men who being elected  
tried AND sworn, and the EXAMINATION NOT being closed the  
jury are placed under the charge of a bailiff to be returned  
into Court tomorrow morning.

Ordered that court adjourn until tomorrow morning  
at 9 o'clock.

Record Signed November 17<sup>th</sup> 1843  
WM P. BRYANT

REFERENCE  
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# 202 State of Indiana vs Samuel Dias impleaded with Hannah Gilman  
Indict for Murder

Now at this time comes the attorney prosecuting the pleas of the State and also the defendant personally as well as the jury aforesaid and the investigation hereof not being finished the jury are continued under a the charge of a bailiff sworn to attend them & return into Court tomorrow morning.

Ordered that Court adjourn till tomorrow morning at 9 o'clock a.m.

Record Signed Nov. 18. 1843

Wm P. Bryant.

# 203 State of Indiana vs Samuel Dias impleaded with Hannah Gilman  
Indict for Murder

Now at this time comes the attorney prosecuting the pleas of the State also the defendant personally as well as the jury aforesaid and the investigation thereof being finished - the jury are charged by the Court and retire with a bailiff sworn to attend them and after deliberation thereon the jury returns into Court with the following verdict "We the jury find the defendant guilty C S Houser Foreman - Whereupon the defendant moves the Court for a new trial & days given &c

Ordered that Court adjourn till Monday Morning next at 10 o'clock a.m.

Record Signed Nov. 20<sup>th</sup> AD 1843

Wm P. Bryant

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State of Indiana vs Samuel Dias

State of Indiana

Opinion of Supreme Court

Supreme Court November Term A.D. 1843 Monday December 25<sup>th</sup>  
A.D. 1843 Present the Honorable Esrae Blackford, Charles Dewey  
& Jeremiah Sullivan Judges

Samuel Dias vs The State of Indiana

In Error to the Vigo Circuit Court

At this time Come the parties by their Counsel and the Court  
being sufficiently advised of the premises give the following Opinion  
& judgement pronounced by Judge Blackford

This was an Indictment against Samuel Dias & Hannah Gilman  
for the Murder of One George Brooke there are two Counts in this  
indictment the said Dias being arraigned pleaded not guilty  
And a jury was sworn to try the issue the Examination of the  
Cause not being finished on the day it commenced the jury was  
placed under the Charge of a bailiff to be returned into Court  
the next morning - the trial was not concluded on the Second day  
And the jury was again put in charge of a bailiff who was  
sworn to attend them to be returned into Court the following  
morning - On the third day the Cause was submitted to the jury  
who returned a Verdict of guilty

Motions for a new trial and in arrest of judgement were  
made and overruled and judgement rendered that the prisoner  
Dias be executed.

The first error assigned is that the record does not show an  
order of the Court for the separate trial of the prisoner  
There is nothing in this objection the record by showing that the  
prisoner was tried separately necessarily shows that the Court directed  
the trial - It is also assigned for error that the record does not

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show that the bailiff to whose care the jury was instructed On the first adjournment of the Court was sworn To Support of this objection we are referred to the case of the King vs Stone to T.A. 527 There the entry of adjournment states that the bailiff who took charge of the jury were sworn but the case does not show that it would have been error had the oath been omitted or had the record not shown that it was administered. This Court reversed a judgement against a prisoner in a Capital Case because there was not entry of record from which it could be implied that the jury had been legally disposed of during an adjournment of the Court. Jones vs the State 1 Blackf. 475 But that was a different case from the present There is here an entry of record that on the adjournment the jury was placed in charge of the bailiff to be returned into Court the next morning and we must presume from that entry that the jury was committed to the care of the bailiff in a legal manner whatever that may be.

The last error assigned is that the Counts in the indictment are sufficient.

The first count so far as it is necessary to state it is as follows. That Samuel Dias late of Va. & Hannah Gilman late of Va. with force Armed at Va. intent upon one George Brock Va. did make an assault and that the said Samuel Dias & the said Hannah Gilman with a certain Axe &c the said George Brock in and upon the left side of the head, and over the left temple of him the said George Brock then and there feloniously and wilfully and of their Malice aforethought did strike and beat going to the said George Brock then and there with the Axe aforesaid in and upon the right side of him the said George Brock and over the right temple of him the said George Brock One Mortal Wound of the depth of three inches

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And of breadth of Six inches of which said mortal wound the said George Brock of JN To tied and so the jurors afore said upon their oath afore said do say to. THE OBJECTION MADE to this count is THAT IN THE DESCRIPTION of the offence it is repugnant + inconsistent with itself. The charge is that the person indicted struck the deceased with and thru with said axe on the right side of the head and over the right temple a mortal wound. There is in this part of the count a manifest repugnancy in the description of the offence as to the place of the wound. The first part of the sentence viz that the person indicted struck the deceased with an axe on the left side of the head &c being inconsistent with what follows viz Thine giving him thru and thru with said axe on the right side of the head &c a mortal wound And this repugnancy occurs as it must Occur as to be fatal in the material part of the count for the part of the body to which the violence was applied must be stated and even if the wound be alleged to have been on the left hand &c without saying whether the right or left the indictment is bad. The party to be sure need not can respond in that respect with the allegation, but the allegation itself cannot be dispensed with in the indictment 3 Chett Cr L 735. Ark C PL 384 the defect cannot be cured by treating the first statement as to the part of the head of the deceased which was struck as superfluous because



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that statement is possible and consistent in the place where it occurs and is not repugnant to antecedent matters / 1 Chitt Br L 224. The King (P) Stevens Et al 5 East 244 Nor can the difficulty be removed by considering as superfluous the subsequent allegation as to the personal incident giving to the deceased on the opposite side of his head the mortal wound. If this latter allegation were left out the Count as to the matter in question would read as follows: that said Samuel Dean on the said Hannah Gelman with

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a certain axe & the said George Brocke in and upon the left side of the head and over the left Temple of her the said George Brocke then & there feloniously & did strike and beat giving to the said George Brocke then & there with the axe aforesaid One mortal wound. In that case the necessary allegation relative to the giving of the deceased a mortal wound would be defective for not setting out the part of his person on which said wound was given the word there in the sentence having reference. Only to the Venue.

There being then a repugnancy in a material change of the Count in question which cannot be avoided by striking out a part as superfluous the Count cannot be sustained. 1 Hawkins RP Cr 228 1 Chitt Br L 231 Arch Cr RP 37 Ld (P) Stevens 5 East 244

The second Count is objected to On account of an alleged defect in its conclusion this Count is

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Similar to the first article it comes to the conclusion  
concerning with the word "to the year after said"  
I expect that it does not state the length of time  
of the account which it was not necessary to state  
But (by) conclusion I can of Page 370 of report  
that it is not subject to any objection for reporting  
The conclusion objected to is as follows "And as  
the person above and upon their said account  
do say that the said James Blair and the said  
Harold Palmer in name and from of an said  
Johns by and witness and of their own make  
after thought and free + under contrary to the  
form of the state of. The object has compliance  
of so that the person mentioned is not designated  
this object is believed to be false  
The account that the person indicted previously  
and witness of of their make of thought did  
free and murder without any thing more than  
not amount to any charge against them which  
the law can recognize the consequence is that  
there is left without the technical allegation that  
the person indicted previously to murder  
the deceased.  
It is true that the persons part of the last  
charge that the person indicted previously  
and witness and of their make of thought  
did state the said charge of giving  
him of the murder made of but the law will  
rather rather wish as otherwise he must not stop to



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enquire that such description of the offence is not sufficient in a Count of an indictment for murder. There must be in such Count an Express allegation that the persons feloniously &c murdered the deceased the word murder being a term of art which cannot be supplied by any other word. The language of Hawkins on the subject was as follows to paraphrase or to be constructive what ever will supply those words of Art which the law has appropriated for the description of the offence as Manslaughter in an indictment for murder repeat in an indictment for larceny may be omitted in an indictment for main-felony in an indictment of any felony whatever 2 Ffords Pl. Cr. 224. The same doctrine is laid down in Long Case 5 Leck 245 1 Chitt Crim L 239 to 244 - 4 Blacks Comm 306 307 3 Bac Abr 554 & in a late work it is said that in murder the word murder in rape the word raped &c are technical words essential to the definition of the offence without which these offences respectively cannot be described upon the record and if omitted the defendant may demur move in arrest of judgment or bring a writ of error arch. Br. Pl. 46

The conclusion to the second count as before noticed being a nullity and thus being no technical



We are of opinion therefore that the error  
does not contain a valid charge of murder but  
that is not a good count for manslaughter  
As the first count of the indictment is bad  
on the second contains a charge of manslaughter only the

address to.  
time of the crime and has been in since  
Count in question occurred as early as the  
that was which is directly against the  
manslaughter from 3 Reg. 507.

without this word murder it is only  
accepted by the justice of B.P. & others that  
murder is accepted and at length it was  
passed in the late parliament in which  
was doubtless on account of the general pardon  
he acquiesce murder or only manslaughter  
in the indictment and whether this shall  
murder. Therefore the word murder is wanting  
A.B. the case C.D. for conspiracy did fail +

did without saying And as the above said  
and on the eighth day of the other above said  
state of which he languished for seven days  
definitely state giving him one mortal  
made an assault on C.D. and the same C.D.  
B.P. 5 That it makes of outrage A.B.

are on indictment was returned into  
following Authority is applicable to the  
definitely for murder the element the  
Allegation in the count that the person indicted

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judgement that the person alias be Executed is  
Erroneous and for the same reason the verdict  
is wrong for not fixing the punishment R.S.  
1838 p 219 Sect. 78

It is therefore considered by the court the  
judgement of this Circuit Court be reversed &  
the verdict set aside & that the cause be  
remanded to said court for further proceedings  
to be made here in all which it is ordered  
to be certified to said Court

State of Indiana vs

I Henry P. Coburn Clerk of said  
Supreme Court do hereby certify that the  
foregoing is a full & true copy of the Opinion  
and judgements of said Court in the above  
Entitled Case

In testimony whereof I have here to  
subscribed my name & affixed the seal of  
said Court at Indianapolis this 27 day of  
December A.D. 1843

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State of Indiana (vs) Samuel alias & Hannab

Ind for Murder & more

Now at this time comes the Attorney prosecuting the  
pleas of the State and the defendants being  
arraigned plead not guilty and on motion  
defendant alias by his counsel Dodge & Kensey. It  
is ordered that the defendants be tried

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Ordered that court adjourn til tomorrow  
morning at 10 o'clock

Record Signed February 7<sup>th</sup> 1844  
John Law

Wednesday Morning February 7<sup>th</sup> A.D. 1844  
Court planned to adjournment from yesterday  
present as on yesterday

State of Indiana vs Hannah Gilman impleaded  
alias

with Samuel  
Ind. for murder

Now at this time comes the attorney prosecuting the  
plea of the state as also the defendant in person  
and by her counsel Wright & Perkins & Thompson  
and Barton and to try the case here in  
a jury is called to wit. Brya men  
McKuen, Clyak Thomas Lewis Padolok &  
David M. Jones and no more of the regular  
panel being accepted - the Sheriff is  
directed by the court to fill the panel  
with Palismen from amongst the bystanders  
whereupon Jacob Blonde, James Pringle John  
Pier Walter W. Carly John L. Allison, Thomas  
R. Brooks Caleb R. Harris & Gooding Holloway  
are returned by the sheriff as such talisman  
twelve good and lawful men all free  
holders or householders of said county who

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being eluted & tried daily sworn and the investigation hearing not being closed the jury are placed under the charge of a bailiff who was sworn to attend them and the further hearing of this cause is continued till to morrow morning.

Ordered that Court adjourn till to-morrow morning at 10 o'clock

Record Signed Feb 8<sup>th</sup> 1844  
John Saw

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Vigo Circuits Court

Thursday Morning February 8<sup>th</sup> 1844 Court met pursuant to adjournment from yesterday

Present as on yesterday

State of Indiana vs Hannah Gloman inpleaded with Samuel Dias Ind. for murder

The parties appear as on yesterday and the investigation here in not being closed the jury are again placed under the charge of a bailiff who was duly sworn to attend them and the further hearing of this cause is continued till tomorrow morning

Ordered that Court adjourn till tomorrow at 10 o'clock

Record signed Feb 9<sup>th</sup> 1844

John Saw

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Friday Morning Feb 9<sup>th</sup> 1844 Court not present to adjournment Present as on yesterday

State of Indiana vs Samuel Adams indicted for Murder Ind. for Murder

The parties appear as on yesterday as also the jury who said and the conviction of hung choice and finished the jury are charged by the court and notice to their room with a tally who was duly sworn to attend and after due deliberation there on the jury return in & wait with the following verdict "We of the jury find the defendant not guilty as charged in the indictment of Henry Foreman when upon it is ordered by the court that defendant be discharged from custody and that he go free of without day"

In open court came Samuel Adams & William Ray who solemnly acknowledge themselves to owe and he indebted to the State of Indiana in the sum of fifty dollars each to be paid by the respective grade and chattels lands and tenements of defendant he made in the following certificate to wit that the said Samuel Adams personally he and appears in this court tomorrow morning then & there he requires to give testimony in a suit where in the State of Indiana is complainant and Samuel Adams is defendant in



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an indictment for murder and not depart  
the court without leave

Ordered that court adjourn till  
tomorrow morning at 10 o'clock

Record signed Feb 10<sup>th</sup> 1844

John Saw

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Special Term 1844

Saturday morning February 10<sup>th</sup> 1844 Court met  
present to adjournment from yesterday

Present as on yesterday

State of Indiana (vs) Hannah Gilman

Inde for Assault + Battery with intent  
to murder

Now at this time come the Attorney prosecuting  
the pleas of the State in this behalf as well  
as the defendant personally and the  
prosecution Attorney says he will no further  
prosecute this suit. It is therefore considered  
that the defendant be discharged and that  
she go hence free of without day

State of Indiana (vs) Samuel Dias implicated  
with Hannah Gilman

Indictment for murder

Now as this time comes the attorney prosecuting the  
pleas of the State as well as the defendant as  
also Dodge and Henry his attorneys and an  
affidavit of defendant made filed here in it is  
ordered that there cause be continued to the  
next term of this court and that in the mean

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time the defendant remain in the custody of the sheriff

State of Indiana vs Hannah Gilman & William Ray

Recognisance for appearance of Hannah Gilman

Ordered that the recognisance here in be and the same is here by discharged

In open court comes Hannah Gilman, Stephen J. Burnett, John Balding, David W. Morris, Theodoras Fulkerson, Bethuel Ryckman, Ammon Payne who severally acknowledge themselves to owe and be indebted to the state of Indiana in the sum of fifty dollars each to be levied of their respective goods and chattels lands and tenements if default be made in the following conditions to wit that the said Gilman, Burnett, Balding, Morris, Fulkerson, Ryckman & Payne personally be and appear in this court on the first day of the next term then and there to give evidence & testify in a suit where in the State of Indiana is complainant an Samuel Dias is defendant or an indictment for murder and not depart the court without leave.

Ordered that William Steffy, Meredith Shores, James W. Shepherd, Daniel Shirley, Charles C. Bentley, Jesse Hicks, Conrade Frakes, Hugh Scott, Jacob Earnest, John Shute, Benjamin Shattucks, William



#229

Hickesal. John Crews John Clem + John Turner  
 each be allowed the sum of one dollar and twenty five  
 cents that Joseph Threlle Benjamin McKee  
 Elijah Thomas Sideon Davall Lewis Paddock  
 Warren Harper David M Jones David Kelly  
 each be allowed the sum of seven dollars and  
 fifty cents that Jacob Bland James Pringle  
 John L. Allison John Ring Walter W. Early  
 Thomas P. Brooks Caleb R. Harris + Godding  
 Holloway each be allowed the sum of three  
 dollars and seventy five cents and that William  
 Strain be allowed the sum of two dollars and  
 fifty cents for their services at the present  
 special term of this court.

#240

### Wigo Circute Court

Ordered that Bryan Treheman + Marvin M. Hickey  
 each be allowed the sum of seven dollars and  
 fifty cents that Hiram A. Hiestfall be allowed  
 the sum of one dollar and seventy five cents  
 that William Steward be allowed seven  
 dollars and twenty five cents that E. Warren  
 Chadwick be allowed the sum of three dollars  
 and fifty cents and that Samuel Heward  
 be allowed the sum of one dollar and seventy  
 five cents for their services as bailiffs  
 during the present term of the court

Ordered that James Henry be and he is  
 hereby allowed the sum of thirty dollars for his  
 services as attorney in the Supreme Court in

REFERENCE  
 DO NOT CIRCULATE



#240

the case of Samuel Alias (vs) The State of Indiana  
taken up from this court.

Ordered that Kinney Wright & Jenkins be and  
they are hereby allowed the sum of thirty  
dollars for their services in defending  
Hannah Gilman on ~~the~~<sup>an</sup> indictment for murder

Ordered that court adjourn till  
Court in Course

Record signed Feb 10<sup>th</sup> 1844

John Lewis

#257

State of Indiana (vs) Samuel Alias unpleaded  
with Hannah Gilman Indictment for murder

Now comes the Attorney prosecuting the  
pleas of the State in this behalf as well  
as the defendant in person and by Dodge &  
Henry his counsel and the defendant being  
again arraigned upon the indictment pleads  
not guilty there to and to try the issue  
there to a jury is called to wit John D. ~~Pope~~  
Pope William Twine & John Sutt and no more  
of the regular pannel being accepted - the  
Sheriff is directed by the Court to fill the  
pannel with valiant men from among the bystand-  
ers where upon John Anderson Holmes Patrick  
John Hodges James Nelson Samuel Hull  
Redmond Evans, James Barrett John L. McCabe  
& William I. P. Shattuck are returned by the  
Sheriff as such talismen twelve good and lawful  
men all freeholders & householders of our County



#257

of Vigo who being elected and tried are duly sworn  
and the investigation here of not being closed and  
finished the jury are placed under the charge of  
a bailiff who was sworn to attend them and the  
further hearing and investigation of this cause is  
continued until tomorrow morning

Ordered that court adjourn till  
tomorrow morning at 9 o'clock

Record Signed May 9<sup>th</sup> 1844

#258

John Saw

May Term 1844

State of Indiana vs Samuel Hias impleaded  
with Hannah Gilman

Ind for murder

Now come the attorney prosecuting the pleas  
of the state in this behalf also the defendant  
personally and the jury above said being called  
and sworn unto their names and are present  
and the investigation hereof being finished the  
jury are charged by the court and retire to  
their room with a bailiff sworn to attend  
them and ~~after~~ after deliberation thence the  
jury return into court with the following  
verdict "We the jury find the prisoner  
guilty of murder as charged in the indictment  
in the first degree Samuel Huel foreman

Record Signed May 10<sup>th</sup> 1844

John Saw

REFERENCE  
DO NOT CIRCULATE



#259

Friday Morning May 10<sup>th</sup> 1844 Court met pursuant to adjournment from yesterday present as on yesterday.

#260

No 24 State of Indiana vs Samuel Elias impleaded with Hannah Gilman Indict for murder  
Now comes the attorney prosecuting the plea of the State in this behalf and the Defendant by his attorneys above said - and the defendant moves the court for a new trial here in and files his reasons therefor as follows (here indent them) and day is given &c

#262

No 45 State of Indiana vs Hannah Gilman Stephen G. Burnett John Balding David W. Mauns Theodoras Fickerson Bethuel Lyckman v Annon Payne

Recognized as witnesses  
on Elias

Ordered that this recognisance and the same is hereby discharged.

Record signed May 11 1844

#263

John Law

Saturday Morning May 11<sup>th</sup> A D 1844 Court met pursuant to adjournment from yesterday  
State of Indiana vs Samuel Elias impleaded with Hanna Gilman

Indictment for Murder

Now at this time comes the Attorney prosecuting the pleas of the state in this behalf as well as the defendant & by his counsel and the

REFERENCE  
DO NOT CIRCULATE



# 262  
# 264

Court being sufficiently advised in the premises  
overrule the motion for a trial made here in  
where upon the defendant moves the Court in  
arrest of judgement and argument being heard.  
the court overrule said motion in arrest of  
judgement. And the defendant being brought  
to the bar and it being demanded of him  
what he has to say why the sentence of the law  
should not be pronounced against him  
says nothing. It is therefore considered by  
the court that the said Samuel Elias be  
taken from hence to the common jail of the  
County and that he be safely kept and that  
on Friday the fourteenth day of June next  
he be taken to the place of execution and  
between the hours of nine o'clock in the  
morning and four o'clock in the afternoon of  
that day that he be hung by the neck till  
he is dead.

Ordered that Court adjourn till 9  
o'clock Monday morning  
Ricard Signed May 11 AD 1844  
John Law

REFERENCE  
DO NOT CIRCULATE



REPORTS  
OF  
CASES ARGUED AND DETERMINED  
IN THE  
SUPREME COURT OF JUDICATURE  
OF THE  
STATE OF INDIANA,

WITH TABLES OF THE CASES AND PRINCIPAL MATTERS.

---

BY ISAAC BLACKFORD, A. M.,

ONE OF THE JUDGES OF THE COURT.

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VOL. VII.

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INDIANAPOLIS:  
PRINTED BY CHAPMANS & SPANN.  
1847.



Nov. Term,  
1843.

DIAS v. THE STATE.

DIAS  
v.  
THE STATE.

If on an indictment against two persons, one of them be tried separately, the record, by showing that the prisoner was separately tried, necessarily shows that the Court directed the trial.

If the record of a criminal case show that in the course of the trial, the Court had, on an adjournment from one day till the next, placed the jury in the charge of a bailiff, it will be presumed that the jury was committed to his care in a legal manner, whatever that may be.

A count in an indictment for murder stated, that the defendant made an assault on one *G. B.*, and that the defendant with a certain axe, &c., the said *G. B.*, in and upon the *left* side of the head and over the *left* temple of him the said *G. B.*, then and there feloniously and wilfully and of his malice aforethought did strike and beat, giving to the said *G. B.* then and there with the axe aforesaid, in and upon the *right* side of the head of him the said *G. B.*, and over the *right* temple of him the said *G. B.*, one mortal wound, &c., of which said mortal wound the said *G. B.*, &c., on, &c., died, and so the jurors aforesaid, upon their oath aforesaid, do say, &c. *Held*, that the count, in the description of the offence, was repugnant and inconsistent with itself in a material part, and was void.

Such count must state the part of the body to which the violence was applied; but the proof need not correspond with the statement.

If an allegation in such count be sensible, and consistent in the place where it occurs, and be not repugnant to *antecedent* matter, it cannot be rejected as surplusage, although it be repugnant to a subsequent allegation.

An objection to such count for repugnancy in the description of the offence, cannot be removed by striking out the allegation which is inconsistent with a previous one, unless, after striking out the subsequent allegation, a legal description of the offence will still remain.

In an indictment for murder, where the death is alleged to have been caused by a wound, it is not necessary to describe the depth or breadth of the wound.

An indictment in such case concluded as follows: "And so the jurors aforesaid upon their oath aforesaid do say, that the said *S. D.*, (the prisoner,) in manner and form aforesaid, feloniously and wilfully and of his malice aforethought did kill and murder, contrary to the form of the statute," &c. *Held*, that this conclusion was insufficient, for not designating the person murdered.

Although an indictment charge that the defendant feloniously and wilfully and of his malice aforethought did strike the deceased, &c., giving him, &c., a mortal wound, &c., yet if it do not contain the technical allegation that the defendant feloniously *murdered* the deceased, it is an indictment for manslaughter only and not for murder—the word *murder* being a term of art which cannot be supplied in an indictment by any other word.

A verdict against the defendant in manslaughter must fix the punishment.

Monday,  
December 25.

ERROR to the *Vigo* Circuit Court.

BLACKFORD, J.—This was an indictment against *Samuel Dias* and *Hannah Gillman* for the murder of one *George*



is, one of them be tried separately, the was separately tried, necessarily shows

hat in the course of the trial, the Court y till the next, placed the jury in the ed that the jury was committed to his t may be.

stated, that the defendant made an as- ndant with a certain axe, &c., the said e head and over the *left* temple of him niously and wilfully and of his malice ving to the said *G. B.* then and there n the *right* side of the head of him the le of him the said *G. B.*, one mortal ound the said *G. B.*, &c., on, &c., pon their oath aforesaid, do say, &c. ion of the offence, was repugnant and part, and was void.

body to which the violence was appli- d with the statement.

ensible, and consistent in the place it to *antecedent* matter, it cannot be re- pugnant to a subsequent allegation.

ncy in the description of the offence, e al" tion which is inconsistent with ot subsequent allegation, a legal main.

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se defendant feloniously and wilfully strike the deceased, &c., giving him, o not contain the technical allegation red the deceased, it is an indictment rder—the word *murder* being a term indictment by any other word. laughter must fix the punishment.

Court.

i indictment against *Samuel* r the murder of one *George*

*Brock.* There are two counts in the indictment. The said *Dias* being arraigned pleaded not guilty, and a jury was sworn to try the issue. The examination of the cause not being finished on the day it was commenced, the jury was placed under the charge of a bailiff, to be returned into Court the next morning. The trial was not concluded on the second day, and the jury was again put in charge of a bailiff who was sworn to attend them, to be returned into Court the following morning. On the third day, the cause was submitted to the jury, who returned a verdict of guilty. Motions for a new trial and in arrest of judgment were made and overruled, and judgment rendered that the prisoner *Dias* be executed.

The first error assigned is, that the record does not show an order of the Court for the separate trial of the prisoner. There is nothing in this objection. The record, by showing that the prisoner was tried separately, necessarily shows that the Court directed the trial.

It is also assigned for error, that the record does not show that the bailiff, to whose care the jury was intrusted on the first adjournment of the Court, was sworn. In support of this objection, we are referred to the case of *The King v. Stone*, 6 T. R. 527. There the entry of adjournment states, that the bailiffs who took charge of the jury were sworn; but the case does not show that it would have been error had the oath been omitted, or had the record not shown that it was administered. This Court reversed a judgment against a prisoner in a capital case, because there was no entry of record, from which it could be implied that the jury had been legally disposed of during an adjournment of the Court. *Jones v. The State*, 2 Blackf. 475. But that was a different case from the present. There is here an entry of record that, on the adjournment, the jury was placed in charge of a bailiff, to be returned into Court the next morning; and we must presume from that entry, that the jury was committed to the care of the bailiff in a legal manner, whatever that may be.

The last error assigned is, that both the counts in the indictment are insufficient.

The first count, so far as it is necessary to state it, is as follows: That *Samuel Dias*, late of, &c., and *Hannah Gill-*

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1843.

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v.  
THE STATE.



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1843.

DIAS  
v.  
THE STATE.

*man*, late of, &c., on, &c., with force and arms, at, &c., in and upon one *George Brock*, &c., did make an assault, and that the said *Samuel Dias* and the said *Hannah Gillman*, with a certain axe, &c., the said *George Brock* in and upon the *left* side of the head and over the *left* temple of him the said *George Brock*, then and there feloniously and wilfully and of their malice aforethought did strike and beat, giving to the said *George Brock* then and there, with the axe aforesaid, in and upon the *right* side of the head of him the said *George Brock*, and over the *right* temple of him the said *George Brock*, one mortal wound of the depth of three inches and of the breadth of six inches, of which said mortal wound the said *George Brock*, &c., on, &c., died; and so the jurors aforesaid upon their oath aforesaid do say, &c. The objection made to this count is, that, in the description of the offence, it is repugnant and inconsistent with itself. The charge is, that the persons indicted struck the deceased with an axe on the *left* side of the head and over the *left* temple, giving to him then and there, with said axe, on the *right* side of the head and over the *right* temple, a mortal wound.

There is in this part of the count a manifest repugnancy in the description of the offence as to the place of the wound; the first part of the sentence, viz., that the persons indicted struck the deceased with an axe on the *left* side of the head, &c., being inconsistent with what follows, viz., their giving him then and there with said axe on the *right* side of the head, &c., a mortal wound. And this repugnancy occurs, as it must occur to be fatal, in a material part of the count, for the part of the body to which the violence was applied must be stated, and even if the wound be alleged to have been on the arm, hand, &c., without saying whether the right or left, the indictment is bad. The proof, to be sure, need not correspond in this respect with the allegation, but the allegation itself cannot be dispensed with in the indictment. 3 Chitt. Cr. L. 735.—Arch. Cr. Pl. 384. The defect cannot be remedied by treating the first statement as to the part of the head of the deceased which was struck, as superfluous, because that statement is sensible and consistent in the place where it occurs, and is not repugnant to *antecedent* matter. 1 Chitt. Cr. L. 224.—*The King v. Stevens et al.* 5 East, 244.



orce and arms, at, &c., in  
 , did make an assault, and  
 said *Hannah Gillman*, with  
*Brock* in and upon the *left*  
*ft* temple of him the said  
 oniously and wilfully and of  
 like and beat, giving to the  
 , with the axe aforesaid, in  
 head of him the said *George*  
 le of him the said *George*  
 lepth of three inches and of  
 ich said mortal wound the  
 , died; and so the jurors  
 id do say, &c. The objec-  
 in the description of the of-  
 tent with itself. The charge  
 k the deceased with an axe  
 over the *left* temple, giving  
 axe, on the *right* side of the  
 mortal wound.

ou manifest repugnancy  
 s to one place of the wound;  
 z., that the persons indict-  
 axe on the *left* side of the  
 th what follows, viz., their  
 id axe on the *right* side of  
 And this repugnancy occurs,  
 a material part of the count,  
 h the violence was applied  
 wound be alleged to have  
 out saying whether the right  
 The proof, to be sure, need  
 with the allegation, but the  
 used with in the indictment.  
 l. 384. The defect cannot  
 statement as to the part of  
 was struck, as, superfluous,  
 and consistent in the place  
 gnant to *antecedent* matter.  
 . *Stevens et al.* 5 East, 244.

Nor can the difficulty be removed by considering as superflu-  
 ous, the subsequent allegation as to the persons indicted giv-  
 ing to the deceased, on the opposite side of his head, the  
 mortal wound. If this latter allegation were left out, the  
 count, as to the matter in question, would read as follows:  
 That the said *Samuel Dias* and the said *Hannah Gillman*, with  
 a certain axe, &c., the said *George Brock*, in and upon the  
*left* side of the head and over the *left* temple of him the said  
*George Brock*, then and there feloniously, &c., did strike and  
 beat, giving to the said *George Brock* then and there, with the  
 axe aforesaid, one mortal wound. In that case, the necessary  
 allegation relative to the giving of the deceased a mortal  
 wound would be defective, for not setting out the part of his  
 person on which such wound was given, the word "there"  
 in the sentence having reference only to the venue. There  
 being then a repugnancy in a material charge of the count in  
 question, which cannot be avoided by striking out a part as  
 superfluous, the count cannot be sustained. 2 Hawks. Pl. Cr.  
 228.—1 Chitt. Cr. L. 237.—Arch. Cr. Pl. 51.—*Rex v. Stevens*,  
 5 East, 244.

The second count is objected to on account of an alleged  
 defect in its conclusion. This count is similar to the first un-  
 til it comes to the conclusion commencing with the words,  
 "And so the jurors aforesaid," &c., except that it does not  
 state the length and breadth of the wound, which it was not  
 necessary to state, *Rex v. Tomlinson*, 6 Carr & Payne, 370,  
 and except that it is not subject to any objection for repug-  
 nancy. The conclusion objected to is as follows: "And so  
 the jurors aforesaid upon their oath aforesaid do say, that the  
 said *Samuel Dias* and the said *Hannah Gillman*, in manner  
 and form aforesaid, feloniously and wilfully and of their  
 malice aforethought did kill and murder, contrary to the form  
 of the statute," &c. The defect here complained of is, that  
 the person murdered is not designated. This defect is be-  
 lieved to be fatal. The averment that the persons indicted,  
 feloniously and wilfully and of their malice aforethought, did  
 kill and murder, without any thing more, does not amount to  
 any charge against them which the law can recognize. The  
 consequence is, that the count is left without the technical  
 allegation, that the persons indicted feloniously, &c., murder-

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 v.  
 THE STATE.



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1843.

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THE STATE.

ed the deceased. It is true, that the previous part of the count charges that the persons indicted, feloniously and wilfully and of their malice aforethought, did strike the said *George Brock*, &c., giving him, &c., three mortal wounds, &c.; but the law is well settled, whether wisely or otherwise we need not stop to inquire, that such description of the offence is not sufficient in a count of an indictment for murder. There must be in such count an express allegation, that the prisoner feloniously, &c., *murdered* the deceased, the word murder being a term of art which cannot be supplied by any other word. The language of *Hawkins* on the subject is as follows: "No periphrasis or circumlocution whatsoever will supply those words of art, which the law has appropriated for the description of the offence, as *murdravit*, in an indictment for murder; *cepit*, in an indictment for larceny; *mayhemavit*, in an indictment for maim; *felonice*, in an indictment of any felony whatever," &c. 2 Hawks. Pl. Cr. 224. The same doctrine is laid down in *Long's* case, 5 Coke, 245.—1 Chitt. Crim. L. 239 to 244.—4 Blacks. Comm. 306, 307.—3 Bac. Abr. 554.

The conclusion to the second count, as before noticed, being a nullity, and there being no technical allegation in the count that the persons indicted feloniously, &c., *murdered* the deceased, the following authority is applicable to the case: "An indictment was removed into B. R. s. 'That of malice aforethought, *A. B.* made an assault on *C. D.*, and the same *C. D.* feloniously struck, giving him one mortal stroke of which he languished for seven days, and on the eighth day of the stroke aforesaid died,' without saying 'and so the aforesaid *A. B.*, the said *C. D.* feloniously did kill and murder.' Therefore this word *murder* is wanting in the indictment. And whether this shall be adjudged *murder*, or only manslaughter, was doubted on account of the general pardon passed in the late parliament, in which murder is excepted. And at length it was resolved by the Justices of B. R. and others, that without this word *murder* it is only manslaughter." *Anon.* 3 Dyer, 304. That case, which is directly against the count in question, occurred as early as the time of *Elizabeth*, and has been ever since adhered to.

We are of opinion, therefore, that the second count does



that the previous part of the indictment, feloniously and wilfully, did strike the said prisoner, &c., three mortal wounds, and, whether wisely or otherwise, that such description of the count of an indictment for murder, without an express allegation, that he murdered the deceased, the defect of art which cannot be supplied by the usage of *Hawkins* on the subject is not a circumlocution whatsoever, but a defect, which the law has appropriated to the offence, as *murdravit*, in an indictment for larceny; or, in an indictment for maim; *felonice*, in an indictment for murder, &c. 2 Hawks. Pl. Cr. 244. — 4 Blacks. Comm. 306,

and count, as before noticed, being a technical allegation in the indictment, &c., *murdered* the prisoner is applicable to the case: as in *B. R. s.* 'That of malice aforethought, and the same day, and on the eighth day of the month saying 'and so the afore-said prisoner feloniously did kill and murder.' is wanting in the indictment. It is adjudged *murder*, or only manslaughter, of the general pardon act, in which murder is excepted. It is held by the Justices of B. R. and in *murder* it is only manslaughter. That case, which is directly contrary to the second count does

not contain a valid charge of murder, but that it is a good count for manslaughter. Nov. Term, 1843.

As the first count of the indictment is bad, and the second contains a charge of manslaughter only, the judgment that the prisoner *Dias* be executed is erroneous; and for the same reason the verdict is wrong for not fixing the punishment. R. S. 1838, p. 219, sect. 78.

*Per Curiam*.—The judgment is reversed and the verdict set aside. Cause remanded, &c.

*J. H. Henry* and *S. G. Dodge*, for the plaintiff.

*A. A. Hammond* and *J. P. Usher*, for the state.

THE STATE  
v.  
HALL.

## THE STATE v. HALL.

If an indictment for perjury show that the testimony alleged to be false was material to the issue, an express allegation that it was material is unnecessary.

The indictment in such case alleged the perjury to have been committed on a trial before a justice and a jury of six men. The trial seemed to have been with consent of parties. Held, that the consent was a waiver of whatever irregularity there might have been as to the jury.

ERROR to the *Montgomery* Circuit Court.

*SULLIVAN, J.*—This was an indictment for perjury. The allegations in the indictment are, that the defendant, *Hall*, commenced an action of debt against one *Cline* before *William Gray*, a justice of the peace, for the sum of 27 dollars and 50 cents; that *Cline* filed as a set-off a demand he held against *Hall* for 99 bushels of corn of the value of 24 dollars and 81 cents; that to try the issue between the parties, a jury of six men was impanelled, and that upon such trial *Cline* called upon *Hall* to give testimony as a witness in the cause; that *Hall* was thereupon duly sworn by the justice to give evidence, &c., he the said *Gray* then and there having competent authority to administer said oath; that upon the trial of the cause, certain questions became and were material to the issue, viz., How much corn the said *Hall* had received from said *Cline*, &c.; that *Hall* being so sworn, &c., intending, &c., did falsely, wilfully, &c., depose and swear to and before said jurors, and to and before the said *Gray*, justice as

Thursday,  
January 4,  
1844.